# Acta Apostolicae Sedis

*Volume XI (1919)*
*Commentarium Officiale — The Official Acts of the Holy See*

## The Holy See

(Sancta Sedes)

An English translation of the Latin edition
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[*Latin ed. p. 5*]

Year XI - Vol. XI, January 2, 1919, No. 1

## ACTA APOSTOLICAE SEDIS

## OFFICIAL COMMENTARY

## ACTA OF THE HOLY CONGREGATIONS

### SUPREME SACRED CONGREGATION OF THE HOLY OFFICE

DECREE

Thursday, November 27, 1918

In the general session of the Supreme Sacred Congregation of the Holy Office, the Most Eminent and Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, condemned and proscribed, and decreed that the following works be inserted into the Index of Prohibited Books:

1. ERNESTO BONAIUTI, *La genesi della dottrina agostiniana intorno al peccato originale*. Rome, Tipografia del Senato di Giovanni Bardi, 1916.

2. ERNESTO BONAIUTI, *Sant'Agostino*. Rome, 1917. A. F. Formiggini, Editor.

And on the following Friday, November 28 of the same month and year, the Most Holy Lord, Our Pope Benedict XV, in an audience granted to the Reverend Fathers, Assessors of the Holy Office, approved, confirmed, and ordered the publication of the resolution of the Most Eminent Fathers.

Given in the offices of the Holy Office, in Rome, on December 14, 1918.

A. Castellano, Secretary, Notary, and U. I.

[*Latin ed. p. 6*]

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### SACRED CONSISTORIAL CONGREGATION

Regarding the alteration of boundaries of SERENENSIS.

Requested by R. P. D. Carolo Silva Cotapos, Bishop of La Serena, with the favorable support of his Cathedral Chapter and with the consent of Aloysio Silva Lezaeta, Apostolic Vicar of Antofagasta, so that the region commonly known as "Departamento de Taltal" might be detached from the diocese of La Serena and united to the aforementioned Vicariate; the Most Holy Lord Benedict XV considered the presented petitions to be worthy of being



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received and decreed. Therefore, having received the petition of the Apostolic Nuncio, by the present Decree of the Sacred Consistorial Congregation, the entire region of Taltal is detached and separated from the diocese of La Serena and added to and united with the Vicariate of Antofagasta, so that better and more easily provision may be made for the spiritual welfare of the faithful; and simultaneously, the respective boundaries of the diocese and vicariate are altered. All contrary things notwithstanding.

Given at Rome, from the offices of the Sacred Consistorial Congregation, on the ninth day of November, 1918.

C. CARD. DE L A I, Bishop of Sabina, Secretary.

L. j¡g S. f V. Sardi, Archbishop of Caesarea, Assessor.

DECLARATION REGARDING THE DECREE *Bedeuntibus*

Since a doubt arose as to whether clerics discharged from military service with unlimited leave are obliged to present themselves to their Ordinaries, in the same manner as those who have obtained absolute discharge, and to perform the spiritual exercises within the time fixed, under the penalties established in the decree *Bedeuntibus*, the Sacred Congregation has responded: Affirmatively. And the Holy Father has confirmed this resolution, ordering that, when it is published, the following be added:

1) That those who, having been discharged with unlimited leave, have not presented themselves, believing that they were not obliged to do so, should not be considered to have incurred censure, for the reason of this good faith.

2) That in every case, the Ordinaries should take care not to reinstate anyone in the exercise of the [sacraments/ministry].

[*Latin ed. p. 7*]

The Sacred Congregation for the Care of Souls decrees that, before those returning from military service renew their spirit through the prescribed means, the care of souls should be provided for. Given from the Secretariat of the Sacred Congregation for the Care of Souls, on December 21, 1918.

G. CARD. DE LAI, Bishop of Sabina, Secretary.

L. V. Sardi, Archpriest of Caesarea, Assessor.

III. PROVISIONS CONCERNING CHURCHES. By the decrees of the Sacred Congregation, the Most Holy Pope Benedict XV has provided for the following churches, namely:

November 8, 1918. — To the titular episcopal church of Valon, he appointed the Reverend Father James Aloysius Copello, a priest of the diocese of La Plata, whom he designated as an Auxiliary to the Reverend Bishop of La Plata.

November 29. — To the cathedral church of Tarentaise, he appointed the Reverend Father Lewis Termier, the parish priest of the place called "Aix les



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Bains," in the archdiocese of Chambéry.

December 4. — To the cathedral church of Ávila, he appointed the Reverend Father Henry Pia y Deniel, a canon of the cathedral church of Barcelona.

December 5. — To the cathedral church of Huesca, he appointed the Reverend Father Zachary Martínez y Nuñez, of the Order of Hermits of Saint Augustine.

December 5. — To the cathedral church of Guayan, he appointed the Reverend Father Xistus Sosa, who had previously been the titular bishop of Klausenburg and the Apostolic Administrator of the diocese of Guayan.

December 13. — To the titular episcopal church of Croi, he appointed the Reverend Father Joseph Hum Antonium dos Santos, from the Congregation of Missions, whom he designated as an Auxiliary to the Reverend Archbishop of Adamant.

December 14. — To the archiepiscopal church of Cagli, he appointed the Reverend Father Hector Fronzi, who had previously been the bishop of the cathedral churches of Cagli and Pergola.

December 21. — To the cathedral church of Baker, he appointed the Reverend Father Joseph Mae Grath, the parish priest of Saint Patrick's Church in Tacoma, in the diocese of Seattle.

December 21. — To the titular episcopal church of Geras, he appointed the Reverend Father Edmund Heelan, the parish priest of the Church of the Most Sacred Heart in Ford Dodge, in the diocese of Siopol, whom he designated as an Auxiliary to the Reverend Bishop of Siopol.

[*Latin ed. p. 8*]

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## SACRED CONGREGATION FOR THE DISCIPLINE OF THE SACRAMENTS

It has been reported to this Sacred Congregation for the Discipline of the Sacraments that in some Dioceses, certain Vicars Forane, or Deans, or Parish Priests, are accustomed to preparing hosts every one or two months, and to distribute them in their own and filial churches for the celebration of the Mass and for the eucharistic communion of the faithful. After this period of time, a new acquisition and distribution of hosts is made, which should suffice for one or two months, and so on. And it is inquired whether such a practice can be approved, concerning the most holy Sacrament of the Eucharist, of hosts prepared every one or two months.

This Sacred Congregation, having carefully considered all matters, responds to the proposed question: negatively, and the prescription of the Roman Ritual and the Code of Canon Law must be observed.



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The Roman Ritual (title IV, chapter I, Concerning the Most Holy Sacrament of the Eucharist) prescribes: "The Parish Priest shall frequently renew the particles of the Most Holy Eucharist. The hosts, or particles, to be consecrated, must be recent; and after he has consecrated them, he shall first distribute or consume the older ones."

In the Code of Canon Law, the following is established:

Canon 815: "The bread for the sacrifice of the Mass must be purely of wheat and recently made, so that there is no danger of corruption. The wine must be natural from the fruit of the vine and uncorrupted."

Canon 1272: "Hosts consecrated, whether for the communion of the faithful, or for the exposition of the Most Holy Sacrament, must be recent and frequently renewed, the older ones being duly consumed, so that there is no danger of corruption, diligently observing the instructions which the Ordinary of the place has given on this matter."

Because of the utmost reverence due to the Most Holy Sacrament of the Eucharist, this Sacred Congregation decrees that a response be published in all ecclesiastical periodicals of the Dioceses, so that it may be more easily understood by all and faithfully and religiously observed by those to whom it pertains.

Given from the offices of the Sacred Congregation for the Discipline of the Sacraments, on December 7, 1918.

PH. CARD. GIUSTINÍ, Prefect.

L. S.

A. Capotosti, Bishop of Thermen., Secretary.

[*Latin ed. p. 9*]

9. The Most Holy Congregation of the Council of Milan. PRECEDING DOCUMENTS: November 20, 1915 - April 1, 1916 - April 13, 1918. DESCRIPTION OF THE MATTER. - Before the Napoleonic decrees of the year 1805, within the Metropolitan Chapter of Milan, which was divided into three distinct hierarchical orders, only the *Praepositura* was subject to patronage; and since the *Praepositura* was the highest office, it did not give rise to any ambiguity regarding precedence. However, during the upheaval of public affairs at the beginning of the 19th century, a single *summa* was established by decree of June 8, 1805, in the public treasury for the entire Chapter, and this common fund was distributed to the individual Canons according to certain prefixed norms. Nevertheless, it is clear that, by this means, the Chapter again coalesced into the distinct orders of presbyter, deacon, and subdeacon, because, later, in the years 1806 and 1826, two private founders wished to establish two other canonries with separate benefices, subject to their own patronage, and they obtained from the Chapter that these new Canons be either immediately incorporated into the order of presbyter, and this was stipulated in the founding charters,



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where we read: "The individual invested with the Canonry in question will belong, 'according to the intention of the founder,' to the order of presbyter." Furthermore, in the year 1836, a third canonry was founded with lay patronage, with the explicit condition that the one invested would immediately belong to the order of deacon; however, this canonry was soon abolished. Through these foundations, it happened not infrequently that certain Canons were found in the order of presbyter, who, after several years, were assigned to other Canons still in the order of deacon; and when these latter wished to legitimately advance from the order of deacon to the order of presbyter, it was ambiguous to whom precedence should be given: in other words, whether the norm of precedence should be derived from the date of entry into the Chapter, or from the date of entry into the order. This case occurred in the years 1847, 1851, 1854, 1856, and 1862; and although the Constitutions of the Chapter were silent, it is clear from descriptions of the clergy of Milan (although not official, commonly called "Milano Sacra") that it was always observed in practice that precedence was given to the one who was earlier in the order, or in the Chapter.

[*Latin ed. p. 10*]

10. In the Acts of the Apostolic See, a clerical grade was found to exist, although it did not appear in the new chapter for minor priests. Subsequent cases cannot be found, due to the fortunate circumstance that two canons enjoyed the right of private patronage, one for approximately 60 years, and the other for approximately 45 years. However, the canons of the common fund found this situation to be burdensome, as it seemed to them inappropriate that chapter canons, legitimately constituted by ecclesiastical authority after a long period of service, should finally have to yield their place to new, albeit deserving, laymen. Therefore, in 1912, when a certain canon, having been raised from the diaconate to the priesthood, wished to join the chapter, having already been a member since 1905, and while another was presented as a patron in 1909, the chapter canons gave the latter precedence; and they subsequently considered including the same rule in the new statutes being prepared, which they at least partially achieved. For in those statutes, approved by the Archbishop's decree of August 24, 1913, it is written: "In the choir and in sacred functions, so that the hierarchical order is not disturbed, among all Ordinaries (thus the Ambrosian rite calls the Chapter canons) after the aforementioned Dignities and Offices, those who, whether endowed or honorary, are enrolled in the priesthood come first; after them follow the Deacons (not, however, the Archdeacon, who comes second), and finally the Subdeacons, 'observing in each order the principle of seniority of possession.' - In other non-chapter functions, without any distinction between Ordinaries of the first or second creation, with the exception of the honor due to Dignities by laudable custom, he precedes who is first enrolled in the Chapter by reason of endowment, then



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the honorary canons. Among those who have the right to choose, these rules of seniority shall be applied, if any choices are to be made" (P. I, c. II, paragraph IV). The ambiguous words of the preceding sentence, "observing... the principle of seniority of possession," were interpreted in such a way as to refer to the possession of a canonry, and not to the possession of a hierarchical grade. This interpretation was confirmed by the other Chapter canons, after deliberation on October 21, 1914, and then by the Archbishop by decree on March 17, 1915, confirming it with these words: "the place that belongs to them by their prior canonical possession, that is, by their 'enrollment in the Chapter.'" Therefore, the canons with the right of patronage appealed to this Holy Congregation, in which a general formula of doubt was proposed, namely: "Whether, and under what provisions, a place exists in this case."

[*Latin ed. p. 11*]

The Most Holy Congregation of Councils, Decree 11 - I, concerning the distribution of benefices, states: "It is to be observed that in the Metropolitan Chapter of Milan, there are no distinct benefices, except those attached to Dignities, or to personal appointments, or to two canonries of the same patronage; all other canonries enjoy a common benefice, and therefore, with regard to these, there is no true distinction in hierarchical rank; for this distinction cannot even be conceived where there are no distinct benefices to which those ranks would be attached. Hence, the distribution into ranks is merely nominal, serving only for liturgical purposes and necessities, so that the number of canons distributed in each order may vary, according to the will of the Chapters and the needs of public worship; hence, also, the transition from one order to another, or rather, from one order's designation, is made by a simple declaration of will, by mere option, which does not entail any change in benefits, nor any taking possession, but only ratification by the Chapter."

Therefore, as the esteemed De Herdt states, "since in such an option the title of the canonry does not change, it necessarily follows that the senior canon does not lose his more honorable place in the choir; and therefore, neither the authority of the Ordinary nor a new collation is required, and all rights previously held are retained and continue." The esteemed Gennari follows and approves this doctrine (Monit. Eccl., vol. IX, p. II, page 146), adding: "when dealing with benefices that do not have a separate benefice, but a common benefice, and are without a distinct legal title and substance, the transition from one to another of such benefices does not entail the loss of seniority or precedence." And rightly so, because, given the equality of such a college, the well-established principle applies: "He who is in possession is to be held in a higher place." Cf. Sacred Congregation of Councils in Albanen, 1826, apud Pallottini, vol. Canonici quoad stallum, § 8, where that principle is expressly applied to our matter: "It is clear to



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all who constitute a college, and who are equal in dignity, that precedence must be given to him who was admitted to the same college before others" (Sacred Congregation of Councils in Rome, November 23, 1754, ibid.).

Indeed, a different rule and norm might be established if distinct benefices were held for distinct benefices; for then, he who passed from one canonry to another would be considered to have relinquished the former and to have newly or originally obtained the latter, so that a new profession of faith and a new installation would be required; therefore, in this case, precedence would be legally derived from admission to the new benefice, not from possession of the former, and therefore, "the canon in this case loses precedence and must take the last seat."

## SYNOPSIS OF THE DISPUTATION.

[*Latin ed. p. 12*]

12 Acta Apostolicae Sedis - Official Commentary (Sacred Congregation, n. 1609, concerning Gallien and Sutri, previously mentioned): but this is far removed from our case. These matters indeed appear clear as the mid-day sun. It is not permissible to obscure this evident truth with the tables of foundation concerning the canonry and the right of patronage; firstly, because these tables do not pertain to canonries of mass-priests, and the current condition must be investigated; secondly, because those words "belonging to the presbyteral order" contribute nothing to the subject matter, but rather, on the contrary, the adjacent words, interpreted favorably according to the Capitular canons, clearly illuminate: "and will remain in that order to which he is entitled... by virtue of seniority, to be counted 'from the time of installation': that is, from the time he began to hold a stall in the Chapter." However, when a later observance is brought forward to demonstrate a contrary meaning of the tables of foundation, it is primarily noted that only a few cases pertaining to the years 1851-1862 are cited for this purpose, which is a period of time insufficient to complete a prescription; and furthermore, what is more serious, these cases are not proven except by a certain description of the clergy, not made officially and not lacking in serious errors, which, moreover, if the Capitular canons present them in three hierarchical orders, they do so only to exhibit a liturgical series – if it is permissible to speak in this way – while in the case in question, a legal series is relevant, as was determined by the law of seniority. Furthermore, all of these things have been presented abundantly: for in this case, it is not a question of innovating or abolishing the provision contained in the Capitular statutes, chapter 2, but of interpreting the words that are read there: "observing... the reason for prior possession." It is indeed scandalous to now seek to overturn that provision of the statutes, which was once approved by a deliberation of the Chapter, with the unanimous agreement



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of all, except for the canonries of the right of patronage who were present at that time. But, in this case, it is clear that the interpretation of the aforementioned clause is legitimate, besides being consonant with equity, because it was given authority by the Eminent Ordinary; indeed, in the very statutes (p. IV, c. 16) - as the Eminent Ordinary explicitly recalls - it is stipulated: "Whatever has been established by these constitutions, if at any time difficulties or controversies, or perhaps ambiguities, should arise, it shall be the perpetual and complete right of the Archbishop... to interpret, declare, and explain it... to whose judgments all shall acquiesce completely and without any form of judgment or exception." Therefore, this single argument alone seems to warrant the rejection of any belated objections.

II. The contrary arguments of the Recurrents can be summarized briefly. Setting aside what pertains to the factual question, whether distinct prebends are held in the Milanese Chapter or not, they contend...

[*Latin ed. p. 13*]

The Holy Congregation of the Council declares that the following circumstance is not relevant to the present question: that the order of precedence is not determined by seniority, but by the dignity of the office. Whether the canons are drawn from a common body or otherwise, it is always necessary to recognize a distinction between one canon and another, and this distinction must be real, not merely nominal; otherwise, the present question would have no meaning. But, once this distinction between canons is established, the order or distribution or distinction of the members, whose precedence is being considered, immediately arises. Therefore, the capitulars reject all opposing authorities through mere equivocation, those who, when distinguishing canons into classes, speak of distinctions, not between themselves, but into three "ranks," as if, in this place, seniority were to be understood as "ranking"; whereas, on the contrary, it has been thoroughly demonstrated that the term "ranking" is often used to refer to the canonship itself, and that, in this case, the opinions of the doctors must be understood in this sense, as is abundantly clear from the context. Furthermore, on the contrary, no weight should be given to the restriction that the capitulars claim for the distinguished canons or "ranks" "according to liturgical uses and necessities," as if this would allow nothing to be made regarding the legal order of precedence, when, in fact, it is clearly established that both the liturgical and the legal order are of equal importance in this case. But, approaching the question more closely, which ultimately boils down to this: do canons of the diaconal order, even if they are senior in terms of possession, who ascend to the order of the priesthood by option, acquire precedence over canons who are already established in the order of the priesthood? It is clear that this question depends, in a straightforward manner, on another: whether, in any class or order of the priesthood, diaconal, or subdiaconal, the principle



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of reception into that order or class should be maintained, or rather, the principle of assignment to the Chapter. But this question, in turn, receives its clearest solution from the unquestionable principle by which it is commanded that the class of the priesthood should always prevail over the diaconal class, and this, in turn, over the subdiaconal class. Canon 1, Decree 26, Dist. 93, states: "We decree that a Deacon shall not 'sit' before a Priest"; Canon 1, Statute 15, De Maior, states: "We decree that Priests shall hold the 'first place,' Deacons the second, and Subdeacons the third, even if those who are 'later' are admitted." Indeed, if a senior member in the priesthood must yield his place to a junior member in the priesthood, even though the junior member is younger in terms of his canonship, because he has served for more years in the diaconate and subdiaconate, it is clear, at least in principle, that the diaconate and subdiaconate prevail over the priesthood in this case, which is something that must be said. The argument presented by De Luca (De Praeeminentiis, disc. IX, n. 6) on a related matter is relevant: "If a junior, or inferior, Bishop..."

[*Latin ed. p. 14*]

14 Acta Apostolicae Sedis - Official Commentary: "It must be ensured that the Archbishop obtains precedence over the Bishop, even if the latter is older and more distinguished; and if, subsequently, another Archbishop were to be created, he would be obliged to yield his place to the first Archbishop created, even though this later Archbishop might be older and more distinguished in the episcopal state; for it is the higher rank in this new and different state that is considered, not the previously held lower and inferior state."

Another path to the same conclusion is derived from a general principle, which is absolutely established by law, as Cardinal Antici stated in a masterful opinion written for the Holy General Chapter in Rome, November 27, 1790, which provides an absolute example in this matter (Treasury of Resolutions, vol. LIX, p. 211): "In colleges and universities, the honorific precedence should not be based on the private distinction of each individual, but on the rank each holds within the college itself; and therefore, those who hold a higher rank in the college should be given precedence over others, even if their private distinction is far greater."

Indeed, as Pallottini argues in "Precedence," no. 58: "If the private distinction of each individual is often set aside in order to maintain the rank and status of the college, it seems that even greater consideration should be given to age or longer service; otherwise, this method of precedence would hardly ever be put into practice or long endure."

Therefore, it is clear that in all classes, those who were admitted first to their class should be given precedence, even if they are perhaps lower in order. This, of course, stems from the same legal rule, according to which, in colleges, the private order of each individual should not be considered,



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but the rank within the college.

With these premises in mind, it is readily understood why all those doctors who have treated or touched upon this matter have unanimously concluded that precedence in this case belongs to the one who is older in rank or order or class.

Cf. De Herdt, Practical Rules, chapter VII, § 9 (2nd edition, p. 35 ff.): "In every order, the order of reception must be observed. If there are no distinct distinctions... the canons precede each other by reason of their sacred order and do not lose the place once acquired, even if they are older in ascending to the same order... This rule is general." To confirm this, the decrees of the Sacred Congregation are cited, which are found in the new collection under nos. 961 (Iesi, July 10, 1654), 1237 (S. Miniati, June 3, 1662), and 1878 (Bitonto, June 14, 1692, session III).

Therefore, the objection raised by the capitulars regarding the text of De Herdt must be considered in relation to the present matter; this is easily achieved if it is understood that it deals with a choice within the same order. The same is true of the authority of Cl. Gennari, also raised by the capitulars.

[*Latin ed. p. 15*]

The Holy Congregation of Councils, however, seems to overlook the circumstance mentioned by him concerning the "casus," namely, that "according to the testimony of the Bishop, all [those present] are in the presbyteral order" (ibid.). Compare also Ferraris, s. v. Canonici, art. VII "regarding precedence," where he cites both doctors and decrees of the Holy Roman Church; and especially Moneta, an author from Milan, in his treatise *De Optione*, chapter VIII, question 3, number 36 and following. Indeed, Moneta himself, along with others, considers a certain exception to the established norm, namely, the positive law (from the decree of His Holiness Clement VIII, August 18, 1597) concerning the Sacred College of Cardinals, which establishes something different, and he gives a particular account of this singular exception. "Similarly," he says (loc. cit.), "this conclusion does not apply to the College of the Most Holy Roman Cardinals, in which it is observed that, when a Cardinal who was a deacon desires a titular priesthood, as a priest, he does not simply ascend to the last place among the bishops and priests who are Cardinals, but also, according to the antiquity of his promotion to the dignity of Cardinal, he obtains a place before all other priests and bishops who were promoted to the dignity of Cardinal at a later time, and are therefore considered, in that order, to be more senior with regard to the option of vacant titles, before those Cardinals who were promoted at a later time, as I said, precede him. And this observation may have a reason related to the option of Canons, because antiquity in the option of Canons and precedence are taken from the longer service to the Church rendered in their order; but this does



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not apply to Cardinals, for whom this right of option and precedence is not granted because of any service rendered in a particular order of the Church, but because of the general obedience which they owe to the Roman and Universal Church to which they belong, and because they have served longer in such a dignity; hence, among them, only the antiquity of their promotion is considered, provided that, apart from age and other requirements, they themselves wish to advance; nor are they compelled to do so. Thus, we also see among the Canons themselves, when it comes to choosing houses, that the distinction of orders is not taken into account, but simply that the Canon who is older, even if he is a subdeacon, is preferred to a younger deacon in the option of a vacant house, which is not attached to a benefice, because, indeed, the Canon does not exhibit any special service to the Church in the matter of houses." These general arguments are supplemented by a particular confirmation in this case, either from the foundation documents of the two canonries or from subsequent observance, as has been sufficiently noted in the specific facts. What is objected to initially is from the words added in the documents: "Riterrà..."

[*Latin ed. p. 16*]

16 Acta Apostolicae Sedis - Official Commentary: "Within that order, that grade which is due to them, or which may subsequently be due to them by seniority, calculated from the time of their installation, is truly conferred. For, if older canons of the common mass, ascending by option to the order of the priesthood, could and should precede canons of patronage already established in the order of the priesthood, how could these maintain (retain) the grade once acquired at the time of installation? These are appropriately compared with the words from de Herdt, which were cited above: "Canons precede each other according to the order of ordination and not of possession, and they do not lose the place once acquired, even if those who are older ascend to the same order." Furthermore, the objections raised against the subsequent interpretation of those words are quite weak: an error in the description of the clergy of Milan, which was published by officials of the Curia, although not ex officio, is not presumed, but must be proven; and although there are a few cases cited, this does not obscure the clarity of the matter, especially if, as is the case, no contrary evidence is presented. Moreover, this custom of the Church of Milan is in conformity with the custom that prevailed and prevails in many churches throughout the world, especially in the basilicas of Rome, as it is easy, though perhaps too lengthy, to demonstrate. It suffices to cite art. 22 of the Constitution of St. Mary in Transyberim, in which, as is claimed in the Milanese Chapter, distinct prebends are not held, but rather the common mass: "When a canon dies, the canons present in Rome can only advance in grade, that is, the first subdeacon to the deacon, and the first deacon to the vacant position of priest." This provision is also presented and explained in the oration



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of Cardinal Alitici, in the aforementioned place. Since the common law seems to favor those who recur (apply for a position), and furthermore, from the tables and from custom, it appears to them that they have the right not to yield their place to new priests, even if these are older canons, it follows that neither the new statutes, nor the confirmation itself, nor the interpretation of the Ordinary, could have abolished or taken away this right. The reason for both arguments is the same, for the Chapter statutes have no force unless confirmed by the Ordinary: but "when a new law of precedence is being established, the authorities cannot undermine the rights of a third party, especially if that third party is found in peaceful possession" (Pallottini, s. v. Praecedentia, n. 11; cfr. Pyrrh. Corrad. Praxis benef., 1. II c. 10, n. 152). Therefore, this acquired right, if and to the extent that it is invoked by the statutes or by a decree of the Ordinary, must be restored to those who recur in its entirety.

[*Latin ed. p. 17*]

17 S- Resolution of the Congregation of the Council. - After a recurring petition was presented, and a doubt was proposed once and again in the plenary assemblies of the Most Reverend Fathers, the Most Reverend Fathers, on the day of April 1, 1916, deemed it necessary to respond: "According to the opinion of the undersigned, write to the Most Reverend Archbishop, that he correct the 'capitular constitutions in such a way that seniority, for those canons who pass from the order of deacons to the order of priests, should be counted from the time of their passage to the priestly order, and not from their prior canonical possession." After the Most Holy Lord was informed of this by the Secretary of the Holy Congregation in an audience on April 3, 1916, His Holiness approved the resolution of the Most Reverend Fathers. PROCEEDING OF THE CAUSE. - From this resolution, the capitulars of [a certain place] obtained a new hearing, which was granted more easily, because in the execution of the given decision, no opportunity for ambiguity arose. Indeed, the canons of canon law contended that the given precedent should be extended to all acts of capitular life, while, on the contrary, it was maintained that in this case, only a certain exception had been approved, referring specifically to the passage from the diaconal order to the priestly order. Therefore, the question was proposed a third time under a double formula of doubt, namely: I. Whether one should adhere to or recede from the decisions in this case. And concerning the decisions: II. To what extent should this very decision be extended in this case? But with regard to the first point, since nothing new was elicited from the presented deductions, except for the complaint of the capitulars of the first erection, that they might not be able to ascend to the higher classes as quickly as established by the given norm, the other arguments return to what has already been debated, especially concerning the distinction of offices, which is hardly valid in that chapter; and since, meanwhile, the



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Code of Canon Law, canon 408, § 1, has clearly and without any distinction established the common law in this matter, very little room was left for ambiguity. As for the second point, it was noted from the recently reviewed decrees and decisions, especially those of the Sacred Roman Congregation, that it is sufficiently clear that the established norm must be extended in a definite manner. Cf. notably, April 18, 1854: "Since a controversy has arisen in the cathedral church as to whether the same thing that is observed in the choir, and when one proceeds with the cotta and canonical habit, should also be observed in the chapter and in other acts in which the canons convene in their ordinary clerical habit, the same Sacred Roman Congregation, after hearing the parties, judged and declared: It belongs to the presbyteral canons in all places to have precedence in capitular functions..."

[*Latin ed. p. 18*]

Acts of the Apostolic See - Official Commentary 18, "which are performed with canonical habit, as opposed to those performed without it." Similarly, in the same Sacred Roman Church of Bitonto, on June 14, 1692, and perhaps with even better and more concise wording, the most esteemed Cardinal Antici, in a decree concerning Rome, dated November 27, 1790, which he wrote excellently in the Holy Congregation, stated: "In the choir, and in other duties 'performed capitularly,' with these formulas constantly used, there seemed to be no reason to recede in the present case. Therefore, concerning the doubts mentioned above, in a plenary session on April 13, 1918, the Most Reverend Fathers judged it necessary to respond: To I. In the decisions. To II. To extend it also to all cases, even to the order of deacons and subdeacons, in which the Chapter intervenes capitularly. This resolution, with the aforementioned Secretary of the Holy Congregation present, was, on the hearing of the 15th day of the same month and year, deigned to be approved and confirmed by Our Most Holy Lord. I. MORI, Secretary. SACRED CONGREGATION FOR RELIGIOUS ORDERS. RESPONSE CONCERNING THE PETITION OF CERTAIN RELIGIOUS WHO ARE RETURNING FROM MILITARY SERVICE. To His Most Holy Lord, Pope Benedict XV, the most humble prayers are offered that he would deign to consider the case of those Religious, who, due to the ongoing war, have been compelled to bear the name of soldiers, and who may feel themselves unprepared to re-establish regular life. Furthermore, His Holiness referred these prayers to the Holy Congregation, so that, with due regard for the particular circumstances of these Religious, paternal solicitude may be provided in particular cases. However, the same Most Holy Holiness wished this to be made public. Given from the Secretariat of the Sacred Congregation for Religious Orders, on December 23, 1918. R. CARD. SGAPINELLI, Prefect. L. & S. Maurus M. Serafini, Abbot, O.S.B.,



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Secretary.

[*Latin ed. p. 19*]

The Holy Congregation for Seminaries and for Universities,

DECREE CONCERNING EXAMINATIONS FOR THE ACQUISITION OF DEGREES IN CANON LAW

Following the publication of the Code of Canon Law, the Holy Congregation for Seminaries and for Universities, by letters dated August 7th of the current year, has prescribed the method and manner by which the Pontifical Athenaeum shall henceforth proceed in the discipline of Canon Law. To ensure that this method, or procedure, is consistent with the dangers inherent in obtaining academic degrees, the same Holy Congregation has established the following regulations concerning examinations in Canon Law.

I. Since the Code of Canon Law is to be used as the text in lectures, the subject matter of the examinations shall consist of the canons of the Code, either all or in part, according to the nature of the degree being sought, without any index of theses or works that present the doctrine contained in the canons themselves.

II. Candidates for academic degrees shall expound or interpret the canons, as they are found in the Code, whether considered individually or in conjunction with others.

III. Candidates shall not only know how to interpret and explain the individual canons, as the nature of the degree requires, but shall also demonstrate their knowledge of the origin, progress, and history of each legal institution, and of the doctrine pertaining thereto.

These regulations, having been approved and confirmed by His Holiness Pope Benedict XV, are to be observed in all Athenaeums or Universities, or Faculties, which, according to the prescription of the Code (canon 256, § 1), are subject to this Holy Congregation, beginning with the academic year which is about to begin. All contrary decrees notwithstanding.

Given at Rome, from the Secretariat of the Holy Congregation for Seminaries and for Universities, on October 31st, in the year 1918.

C. CARD. BISLETI, Prefect.

L. © S. f I. Sinibaldi, Bishop of Tiberias, Secretary.

[*Latin ed. p. 20*]

Acts of the Apostolic See - Official Commentary 20

## ACTS OF THE TRIBUNALS

## SACRED PENITENTIARY APOTOLICAL



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PIUS UNION OF THE CLERGY FOR MISSIONS, commonly known as the "Pius Missionary Union of the Clergy," is granted the following spiritual benefits.

Most Blessed Father, the General President of the Pius Union of the Clergy for Missions (commonly known as the Pius Missionary Union of the Clergy), which has already been benignly approved by Your Holiness, whose purpose, according to the wishes of the same Your Holiness, is to ensure that in the heart of all priests that flame of the sacred apostolate, which ought to burn brightly, may be kindled; prostrates himself before the foot of the Holy See, humbly requesting that, in order to more easily achieve this purpose, Your Holiness would deign to grant to the priests, enrolled in the aforementioned Pius Union, the following spiritual benefits:

I. A plenary indulgence, to be obtained under the usual conditions, on the following feasts:

1) Epiphany,

2) The Holy Apostles,

3) Saint Michael the Archangel,

4) Saint Francis Xavier,

5) Once a month, on a day chosen at the discretion of each individual,

6) At the hour of death, provided the usual conditions are observed.

II. An indulgence of one hundred days for each work of piety performed in favor of the Missions.

III. The faculty, provided that he has been approved to hear sacramental confessions:

1) To bless, outside the city, with a single sign of the cross, crowns, rosaries, crosses, crucifixes, medals, and small statues, with the application of the apostolic indulgences (as described in the Acts of the Apostolic See, dated September 5, 1914);

2) To bless, with a single sign of the cross, crowns, made according to the model of the Rosary of the Blessed Virgin Mary, with the application of the indulgences which the Holy See calls "Crucigeris";

3) To bless and bestow, according to the rites prescribed by the Church, the scapulars of the Passion of Our Lord Jesus Christ, of the Immaculate Conception of the Blessed Virgin Mary, and of the Most Holy Trinity.

* See Acts of the Apostolic See, volume IX, page 22.

[*Latin ed. p. 21*]

The Holy Penitentiary Office of the Most Blessed Virgin, Most Blessed Virgin of Mount Carmel, approved by the Apostolic See, grants, with firm and legitimate authority, the following:

4) The blessing, with a single sign of the Cross, of crucifixes, together with the application of the plenary indulgence of the pious exercise known



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as the Via Crucis (Way of the Cross), for the benefit of the faithful who are legitimately prevented from visiting the sacred "Stations."

5) The blessing, with a single sign of the Cross, of crucifixes, and the granting of a plenary indulgence to those who, having fulfilled the prescribed conditions, have kissed them, or at least touched them in some way, at the point of death.

IV. A personal dispensation to approach the altar of the privileged altar four times in each week, provided that a similar dispensation has not been obtained for another day. And God...

On November 15, 1918. His Holiness, Pope Benedict, of Divine Providence, Pope Pius XV, in an audience granted to the undersigned Cardinal Penitentiary Major, deigned graciously to grant the requested grace in all respects, according to the petitions. This present decree is valid forever, without any further Apostolic Brief. Notwithstanding any contrary provisions.

O. CARD. GIORGI, Major Penitentiary.

L.HBS. F. Borgongini Duca, Secretary.

[*Latin ed. p. 22*]

Acts of the Apostolic See - Official Commentary of the SACRED ROMAN ROTA OF FLORENCE concerning the Nullity of Marriage (BENVENUTI-TAZIOLI). Under the blessed reign of Pope Benedict XV, in the fourth year of his pontificate, on the 28th of January, 1918, the Most Reverend Fathers, the Reverend William Sebastiani, Dean, Peter Rossetti, and Raphael Chimenti, Auditors on duty, in the case of Florence – concerning the nullity of the marriage between Ivas Philip Benvenuti, represented by his legitimate procurator, the advocate Angelo D'Alessandri, and Adele Tazioli, having intervened and disputed in the case, the Reverend Substitute Defender of the Bond, ex officio, rendered the following definitive judgment on appeal. Ivas Philip Benvenuti, from Ferrara, while earning a living in Florence, entered into friendly relations with the Tazioli family, within which there was a certain young woman named Adele. Philip began to fall in love with her, and his affection grew to the point that the young woman became pregnant. Consequently, the family, especially Adele's brother, Aegistus, threatened Philip with marriage, imposing the penalty of death if he did not marry her. Compelled by this fear, Philip promised to marry Adele. However, on the day appointed for the marriage, instead of presenting himself before the priest to perform the marriage ceremony, he went to Ferrara. Aegistus became extremely angry, and renewed his threats of death, not only against Philip, but also against his brother and father. Moved by these threats, Ivas returned to Florence and, on August 23rd, 1900, married Adele, although he did not establish a true marital union with her. Indeed, after two



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years from the beginning of the marriage, he obtained a legal separation from her by the civil authorities. Subsequently, desiring to regain his full freedom, on April 4th, 1906, he brought a case before the civil court, and on December 19th, 1908, before the ecclesiastical court, seeking a declaration of the nullity of his marriage to Adele. His request was granted by the civil court on February 28th, 1910. However, the Florentine court declared the marriage to be valid on July 8th, 1909. Philip appealed this decision to the Sacred Audience, at the same time requesting a supplementary process. Now, having completed this, the case is again presented for consideration under the following two questions: 1. Whether the judgment of July 8th, 1909, is invalid. 2. Whether the marriage is null in this case.

[*Latin ed. p. 23*]

23. The Roman Rota. Firstly, the Fathers have noted that certain conditions must be observed for the validity of judgments, under penalty of nullity as prescribed by positive law, for the protection of justice. Many are enumerated in ancient law; but, as Cardinal De Luca writes (De Iudic., discourse 38, number 22): "It is indeed most praiseworthy that these have been pruned... therefore, in the Court, only three are considered, resulting from three substantial defects, namely, jurisdiction, citation, and mandate." This law was established by Pope Pius IV in the constitution *In throno iustitiae*, December 27, 1561, paragraph 13, and confirmed by Pope Paul V in the constitution *Universi agri*, March 1, 1622, paragraph 5; and recognized by Pope Clement XIII in the constitution *Ex parte*, September 30, 1760, paragraph 6, and ratified by Pope Pius VII in the Motu Proprio, July 6, 1816, paragraph 17. Pope Pius X added a fourth nullity to the three cited in the constitution *Sapienti consilio*, expressed in canon 27, paragraph 3, of the proper law of the Holy Roman Rota. However, despite these depositions of the pontiffs, the conditions required by natural law itself for judgments to be valid have remained unchanged, otherwise judgments would be utterly destroyed; as the Holy Roman Rota stated in the case of *Treviren. Diffamationis*, May 15, 1913, chapter Many, and in the case of *Luganen. Iurium*, March 5, 1915, chapter me. With these considerations in mind, the plaintiff's advocate attempts to impugn the validity of the Florentine court's judgment, primarily on three grounds: 1° namely, because the plaintiff's intention, as stated in the petition, was not observed; 2° because the parties were not cited, nor was the dispute contested; 3° finally, because the process was not published. However, a safer approach is to consider the alleged change in the petition, as if the plaintiff had requested a dispensation from a valid and unconsummated marriage, and the judge had ruled that the marriage was not null due to force and fear. Indeed, the plaintiff, although using very improper words at the end of the petition, "Fannullamento del matrimonio perchè non consumato" [Annulment of the marriage because it was not consummated], stated above that the



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marriage "was not the result of a free consent, which was ratified before God, with supreme solemnity, but the effect of very serious violence and threats, which prevented the spouses from expressing their will." Regarding both points, the Florentine judges questioned witnesses, and referred the matter to the Sacred Congregation for the Discipline of the Sacraments, which responded: "The Ordinary completes the process of nullity up to the final judgment, inclusive." And rightly so; for although the plaintiff did not expressly request a declaration of nullity on the grounds of force and fear, in matrimonial cases, when the public good is at stake, the judge can, ex officio, supplement the ignorance and negligence of the plaintiff, when from the petition or from the process it appears that the marriage was contracted with some impediment.

[*Latin ed. p. 24*]

"Acta Apostolicae Sedis" - Official Commentary.

No nullity of the sentence can be admitted due to a lack of proper citation and contestation of the legal matter. For citation, insofar as it is a summons to appear in court, or insofar as it is a legitimate act by which one is called before a judge for the purpose of examining the matter under the law, is not only required by positive law, but also by natural necessity, "because citation pertains to the natural defense," and therefore it must never be denied to anyone, "since no one ought to be condemned unheard." Therefore, citation is said to be the principle and foundation of judgment, or "the first part of judgment" (Reiffenstuel, Book II, Title III, paragraph II, numbers 42, 46, 48). However, it must be understood that this does not refer to the very material act of citation: for when someone appears before a judge for the purpose of asserting their rights, it is irrelevant whether they are present by virtue of a citation, or whether they voluntarily precede the citation, or whether, by some chance, they appear before the judge to defend their rights; the purpose of the citation is achieved, and the defense is equally served (cf. Emus Lega, "De iudiciis ecclesiasticis," Volume I, Part I, Lecture II, Title II, numbers 4-7). Furthermore, in the case of Adeles, although it does not appear from the records that she was formally cited, she was nevertheless present before the judge in the place of judgment, for the precise purpose of the judgment. It is written in the records: "On March 28, 1909, the following were present: Mons. Alessandro Giolli... Mons. Mannucci, defender of the marriage bond... and myself, the undersigned Chancellor. The Lady Adele of Domenico was personally present," etc. Furthermore, there can be no question of the omission of the contestation of the legal matter, especially because, in the summary proceeding in which matrimonial causes must be dealt with, the contestation of the legal matter is not required; for, once the impediment is established and the other party has been heard, the object of the judgment is already determined. Finally, the third ground for nullity, which concerns the omission of the publication



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of the process, remains to be considered. Reiffenstuel, in Book II, Title XX, numbers 523, 524, poses the question: "Whether the publication of testimonies is of the essence of the judicial process," and answers that the publication of testimonies is not of the essence of the judicial process, but rather of its justice. This conclusion is derived from chapter 22 of "De sententiis et re iudiciaria," where the Pontiff, after an appeal has been made to him, delegates new judges, and orders them, with due observance, to confirm the process that other judges had formed, and to pronounce a judgment, even though the testimonies of witnesses had not been published before the parties, nor shown to them. Innocent, in the same place, and the marginal gloss, say that this passage is particularly relevant because the publication of testimonies pertains to justice, and not to the essence of the process. Furthermore, the reason is: because the judge always has the testimonies, or the acts of the trial, and the rights of the parties, made public, as Menochius says, cited in question 33, numbers 1 and 2, and Pirh. Inst. XX, number 202; therefore, when he is well informed about the rights of the parties from the testimonies of witnesses known to him, he can pronounce a judgment, and it will be valid, unless it has been appealed.

[*Latin ed. p. 25*]

The Roman Rota, in its deliberations, determined that the first question should be answered in the negative. Regarding the second question, it is clear to all that consent is required for the essence of marriage; for marriage itself is a natural contract, elevated by Christ the Lord to the dignity of a sacrament; and therefore, as with other contracts, it is perfected by consent. This consent, however, must be free from any coercion, whether physical or moral; hence, not only force, but also fear, invalidates marriage, at least according to canon law, as stated in chapters 14, 15, and 28 of Title II, "De Sponsalibus et Matrimoniis." And rightly so, for although fear does not remove the ability to choose and consent, it nevertheless makes the will more inclined towards that action from which that person, who is subject to fear, would otherwise abstain. Therefore, through fear, that full liberty is taken away which the sacred canons require of those entering into marriage. For fear to induce the nullity of marriage, it must be: 1° grave, or falling upon a constant man, which is verified when the threatened evil is serious, at least for that person who is afraid, and this person believes that this evil truly threatens him; 2° it must proceed from an external source, or from a free cause; 3° it must be intended to extort consent; and 4° finally, it must be unjust. Fear is said to be unjust "when the evil that is feared is, in some way, unjust, either as to substance, if it is not due by any agreement, e.g., if it is a punishment for a crime that has not been committed, even if the competent judge has acted and observed the order of law, or if the crime has been committed, but the punishment is by no means deserved; or as to manner, if the evil is due, but not from that person, or not in that



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manner; e.g., if it is a punishment inflicted by an incompetent judge, or not observed the order of law, even though the crime has been committed and the punishment is just in itself; or as to substance and manner, which is understood from the foregoing" (Gaspani, De Matrimonio, vol. II, n. 948, third edition).

Now, to the facts of the case. Aegistus Tazio, upon learning of his sister Adela's pregnancy, not only used persuasion, but also employed the most serious threats to compel Philip Benvenuti to celebrate the marriage. This, in the first place, Aegistus himself admits with these words: "Since... my sister became pregnant, and I realized that Benvenuti was trying to avoid the marriage, in order to protect the honor of our family, I used all the moral reasons to keep him obligated. When these did not work, I also used force, hitting him with my fists in our shop, and another time threatening him with a revolver." This is confirmed by Adela and witnesses. Adela says: "My brother sent a man to him, as it is commonly said, and also threatened him with his life." The witness Cipriani...

[*Latin ed. p. 26*]

26 The Acts of the Apostolic See - Official Commentary states: "The same Egisto told me that, upon learning of the pregnancy of his sister, he sought out Mr. Benvenuti, and finding him alone, he reproached him for the matter. Mr. Benvenuti replied that he knew nothing about it, and immediately Mr. Tazioli struck him with such force that he threw him to the ground. Then Benvenuti promised that he would remedy the situation." And in a second deposition, he added: "Benvenuti agreed to marry out of fear of the brother of Tazioli, when this, as he himself told me, presented Benvenuti with this trilemma: to kill himself, or to be killed, or to marry." The witness Manganelli also testified: "The same Egisto confided in me that on more than one occasion, he came to blows, and that especially one day, he beat him with his fists, and I myself was present." Finally, the witness Dantes Stoccanti stated: "Having been in the shop of Mr. Benvenuti on several occasions, I can say that the brother of Mrs. Tazioli more than once threatened Mr. Benvenuti with a revolver in order to force him to marry his sister." The threats became even more intense after Philip went to Ferrara on the very day that the marriage was to be celebrated. Indeed, Hugo, Philip's brother, stated: "The day before the scheduled marriage, my brother came to me, and told me that he was not at all willing to marry Adele Tazioli, and that he was fleeing to Ferrara." The following day, Egisto came to me at the barracks of the 3rd Engineering Regiment, where I was stationed, and began to insult me, and my entire family, threatening my brother, that wherever he found him, he would put his heart in his hand. After this incident, I repeatedly wrote to my father, urging him to persuade my brother to marry Tazioli." In a letter written by Egisto to the actor's father, the following was read: "He perhaps believes that he has



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saved himself, he perhaps believes that he has escaped from my hands and my bloody revenge... I will kill him... His son has only three things to choose from: to marry, to be killed, or to take his own life... I compel his son with my authority as a father to do his duty... otherwise, disaster is imminent." Frightened by these threats, and also advised by his parents, Philip returned to Florence to celebrate the marriage with Adele. Fearing that Philip would again flee, Egisto, as the witness Manganelli testified, "after the time of the marriage was set for the second time... went to the Benvenuti house and, with a weapon in his hand, forced him to get into a carriage to go to the church and perform the marriage ceremony." All of this not only confirms the existence of fear, but also demonstrates its severity; this severity is increased by the threatening nature of the events.

[*Latin ed. p. 27*]

The Roman Rota was filled with apprehension. Philip was not a man endowed with such a strong spirit that he could long resist either threats or pressures upon his family. For at that time, he suffered from neurasthenia, which made his mind weak and susceptible to excitement. It is established that Philip spent two weeks in an army hospital in 1898 due to this illness. Two doctors also testified about this same illness. Thus, Dr. Falconi stated: "As his attending physician, I could attest to the pronounced neurasthenic state of Mr. Ivo Filippo Benvenuti, and therefore, any moral coercion would have a decisive influence on his will." And the doctor Catelli testified: "I observed his mental state to be strongly neurasthenic and his weakness of character, so that he readily yielded to any impression and moral coercion that came to him from outside." There was no hope that Aegistus would bring his threats to fruition; for, as the witness Cipriani stated, "he was of an energetic and resolute character." The fear in this case was also directly aimed at extorting consent; for Aegistus expressly and explicitly proposed death or marriage; and unjustly. The Florentine judges deny the injustice in the appealed sentence, stating: "because... it cannot be said to be unjust when the fear is instilled to repair an injury." However, it must be noted that the obligation to repair the injury caused by defloration through marriage only arises when, before a judge, it is proven that a virgin has been deflowered with the promise of marriage; and that there is no reason why the perpetrator should be excused from the obligation to enter into marriage; e.g., hatred between the betrothed, the danger of scandal, fear of a bad outcome, etc. (Rota, dec. 246, n. 6, p. III and 45 p. X, Recent.; Lehmkuhl, Theol. mor., I, n. 997, edit. 10; Genicot, Theol. mor., n. 569, edit. 6). Indeed, the records show that Adele conceived a child through Philip's actions, but nowhere is it written that this occurred under the promise of marriage. Adele's words: "He offered to marry me... he continued to court me... the courtship lasted three years; during which time there was the intention of making her his wife," do not convey a true promise, but a simple intention.



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However, even with a promise, a greater misfortune could have been feared from Philip's marriage to Adele: for both were averse to the marriage. Philip truly stated: "I never had the will to make her my wife;... she herself was opposed to entering into marriage." Which the bride confirms when she confesses that she entered into marriage "pressured by her parents and because of the child." The witness Giselda Pulli states almost the same thing: "She, after the misfortune that occurred, was induced to marry Benvenuti, driven by her family, because they knew his conduct..."

[*Latin ed. p. 28*]

Acts of the Apostolic See - Official Commentary: "Finally, she was not very inclined to marry him." Therefore, with the strict obligation imposed by Philip to enter into marriage, and with Adele being pregnant, the burden fell upon him either to deceive or to marry. Consequently, when Aegistus imposed this second condition, threatening him with the danger of death, he instilled an unjust fear regarding the matter itself. This fear was also unjust in its manner; for it was not lawful for Aegistus to enforce the obligation with his own authority, if any such obligation existed, but rather he should have obtained it through the proper legal process, and with the intervention of a legitimate judge. Considering and carefully examining all of these things, both in law and in fact, We, the undersigned Auditors from Tournon, sitting for the Tribunal, and with only God before our eyes, invoking the name of Christ, decree, declare, and definitively pronounce that the sentence of Florence of July 8, 1909, is valid, and that the marriage between Philip Benvenuti and Adele Tazioli is null; that is, to the proposed questions, we respond: To the first, negatively; to the second, affirmatively. Furthermore, We order that the same Philip Benvenuti be held responsible for the judicial expenses. Thus We pronounce, ordering the Ordinaries of the places and the officials of the Tribunals to whom it pertains to enforce this Our definitive sentence, and against those who resist, to proceed according to the Sacred Canons, especially chapter 3, session XXV, concerning the Reform of the Council of Trent, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, at the seat of the Sacred Roman Rota, on January 28, 1918. William Sebastiani, Dean, Presiding. Peter Rossetti. Raphael Chimenti. L. & S. From the Chancery of the Sacred Roman Rota. Rev. Tani, Notary.

[*Latin ed. p. 29*]

Diarium Romanae Curiae

## DIARY OF THE ROMAN CURIA

## SACRED CONGREGATION OF RITES



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Tuesday, December 3, 1918, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Reverend and Illustrious Lords Cardinals, the Reverend Prelates, and the theological consultants comprising the same, discussed and gave their vote, first on the matter concerning the complete process for the solemn canonization of the Blessed Gabriel of the Sorrowful, a professed cleric of the Congregation of the Most Holy Cross and Passion of Our Lord Jesus Christ, and then on the matter concerning two miracles which are asserted to have been wrought by God through the intercession of the Venerable Servant of God Anne Mary Taigi of the Third Order of the Most Holy Trinity, which miracles are proposed for the beatification of the same Venerable.

Tuesday, December 10, 1918, in the Apostolic Palace at the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the Most Reverend and Illustrious Lords Cardinals comprising the same, together with the Reverend Prelate Officials, discussed the following matters:

1) Concerning the validity of the Apostolic Process compiled in the Curia of Coutances concerning two miracles which are asserted to have been wrought by God through the intercession of the Blessed Magdalene Postel, Foundress of the Sisters of the Christian Schools of Mercy, proposed for the canonization of the same Blessed;

2) Concerning the validity and relevance of the Additional Apostolic Process compiled in the Curia of Lyons concerning the reputation of sanctity of life, of virtues, and of miracles in general of the Venerable John Claude Colin, Priest, founder of the Marists;

3) And likewise concerning the validity and relevance of the Apostolic Process compiled in the Curia of Brzesc concerning the reputation of sanctity of life, of virtues, and of miracles in general of the Servant of God Mary Crucified Di Rosa, Foundress of the Handmaids of Charity;

4) Concerning the validity of the Apostolic and Ordinary Processes for the Cause of Beatification and Canonization of the Servant of God Sister Teresa of the Child Jesus, a professed Carmelite nun of the Discalced Monastery of Lisieux;

5) And finally, concerning the cult, in obedience to the Decrees of Urban VIII, not hitherto paid to the Servant of God Margaret Rutan, of the Daughters of Charity of Saint Vincent de Paul, who was killed, as it is asserted, out of hatred for the Faith.

[*Latin ed. p. 30*]

Acts of the Apostolic See - Official Commentary, March 30, Tuesday, December 17, 1918, before the Most Reverend and Most Reverend Cardinal Prefect Gaetano Bisleti, the Preparatory Congregation of the Sacred Rites



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was held, in which the Reverend Prelates Officials and the Reverend theological consultants discussed and gave their vote concerning the heroism of the virtues of the Venerable Servant of God, Giuseppe Cafasso, a secular priest, superior of the Ecclesiastical College of Turin.

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## SECRETARY OF STATE

APPOINTMENTS

By letters from the Secretary of State, the Holy Father deigned to appoint:

December 3, 1918.

The Reverend Father Arturo Wermesch, of the Society of Jesus, Consultant of the Holy Congregation of Sacraments.

The Most Reverend Cardinal Lodovico Billot, Protector of the Sisters of Nazareth.

The Most Reverend Cardinal Tommaso Pio Boggiani, Protector of the Institute of the Dominican Sisters of the Most Holy Rosary, having their Mother House in Sinsinawa, Wisconsin, U.S.A.

The Most Reverend Cardinal Raffaele Scapinelli di Lèguigno, Prefect of the Holy Congregation of Religious, and the Reverend Father Abbot D. Mauro Serafini, O.S.B., Secretary of the same Holy Congregation.

The Most Reverend Cardinal Andrea Frühwirth, Protector of the Congregation of St. Catherine of Siena, of the Dominican Tertiary Sisters, who assist the sick.

Monsignor Giovanni Battista Maria Menghini, Under-Secretary of the Holy Ceremonial Congregation.

Monsignor Giovanni Biasiotti, Clerical Prelate of the Reverend Apostolic Camera.

The Reverend Father Gustavo Frank, of the Congregation of the Holy Spirit, Consultant of the Holy Congregation of Rites for Causes of Beatification and Canonization.

The Most Reverend Cardinal Oreste Giorgi, Protector of the Institute of the Poor Children of Bergamo.

[*Latin ed. p. 31*]

From the Roman Curia Diary:

By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries, as if participating:

July 1917. Mons. Giovanni Onorato Cappati, of the diocese of Nice.

November 29, 1918. Mons. Giovanni M. Emilio Sahut, of the diocese of Montpellier.

December 5. Mons. Emanuele Alvares Tarres Carneiro, of the archdio-



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cese of Braga.

December 17. Mons. Francesco Fellinger, Patriarchal Vicar of Jerusalem.

December 20. Mons. Sebastiano Pinceti, general vicar of the diocese of Chiavari.

Domestic Prelates of His Holiness:

November 30, 1918. Mons. Valerio Ploskiewcz, of the archdiocese of Warsaw.

December 3. Mons. Giovanni Giuliano Palisser, of the diocese of Orano.

December 14. Mons. Francesco Weis, of the diocese of Basle.

December 18. Mons. Filippo Evangelisti, of Rome.

HONORS:

By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, Commander:

October 25, 1918. To Mr. Agostino Raude, of the diocese of Paderborn.

November 28. To Mr. Professor Salvatore Nobili, of Rome.

December 1. To Mr. Dedjaz Emerou, vice-governor of Harar.

December 17. To Mr. Pietro Giacomo Giuseppe de Wit, of the diocese of Bois-le-Duc.

Order of Saint Gregory the Great, civil class, Knight:

December 10, 1918. To Mr. Francesco Garrone, of the archdiocese of Turin.

December 10. To Mr. Doctor Pietro Luigi Peynetti, of the same archdiocese.

Order of Saint Sylvester, Grand Cross:

November 29, 1918. To Mr. Raffaele Mitjana y Gordon, plenipotentiary minister of Spain to Caracas.

December 21. To Mr. Doctor Antonio Alvarez Lobo, of the diocese of Campinas.

Order of Saint Sylvester, Knight:

December 5, 1918. To Mr. Marino Lo Schiavo, of the archdiocese of Naples.

December 10. To Mr. Carlo Mittermüller, of the archdiocese of Munich.

December 10. To Mr. Engineer Alberto Cuccoli, of the archdiocese of Bologna.

December 12. To Mr. Giovanni Teodoro Toorop, of the diocese of Harlem.

[*Latin ed. p. 32*]

Acta Apostolicae Sedis - Official Commentary



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## MAGGIORDOMATO OF HIS HOLINESS

With the tickets of His Eminence, the Prefect of the Pontifical Household, the Holy Father deigned to appoint:

Secret Chamberlains, honorary, extraordinary:

January 17, 1917. Mons. Noradino Eugenio Torriceila.

May 29, 1918. Mons. Carlo Müller, of the diocese of Secovia.

July 23. Mons. Guglielmo Pichler, of the archdiocese of Vienna.

July 23. Mons. Antonio Philipp, of the same archdiocese.

July 23. Mons. Augusto Schaurhofer, of the same archdiocese.

August 12, 1918. Mons. Luca Grgié, of the diocese of Spalato and Makarska.

August 12. Mons. Raimondo Maroevié, of the same dioceses.

September 30. Mons. Antonio Ellner, of the diocese of Trieste.

September 30. Mons. Giovanni Láska, of the archdiocese of Olmütz.

September 30. Mons. Francesco Koupil, of the same archdiocese.

November 21. Mons. Santo Balduzzi, of the diocese of Bergamo.

November 22. Mons. Bartolomeo Orsi, of the diocese of Rieti.

November 27. Mons. Felice Attard, of the diocese of Malta.

December 5. Mons. Antonio L. Iglesias (Chile).

December 5. Mons. Leone Mahzetti, of the archdiocese of Baltimore.

Chamberlains of honor in peacock blue attire of His Holiness:

August 12, 1918. Mons. Carlo Ketterer, of the archdiocese of Colacza.

August 12. Mons. Francesco Tantos, of the same archdiocese.

August 12. Mons. Giuseppe Holtzinger, of the same archdiocese.

August 12. Mons. Biasio Hirka, of the same archdiocese.

August 12. Mons. Alessandro Gärtner, of the same archdiocese.

August 12. Mons. Ottone Stanovsky, of the diocese of Leitmeritz.

November 22. Mons. Giuseppe Mancini, of Rome.

November 28. Mons. Augusto Fidecicchj, of Rome.

November 28. Mons. Luigi Biondi, of Rome.

December 16. Mons. Vincenzo Botto, of the diocese of Chiavari.

December 20. Mons. Giuseppe Di Girolamo, of Rome.

December 28. Chamberlain of honor, with sword and mantle, extraordinary, of His Holiness:

December 11, 1918. Mr. Antonio Casati, of the archdiocese of Milan.

July 23. Chaplain of honor, extraordinary, of His Holiness:

1918. Mons. Gottardo Blümel, of the archdiocese of Vienna.

NECROLOGY



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December 8, 1918. Mons. Giuseppe Stadler, Archbishop of Sarajevo.

His Eminence, Cardinal Giulio Tonti, Prefect of the Holy Congregation for Religious.

Mons. Emilio Poletti, Bishop of Bagnorea.

December 17. Mons. Ludovico Gavotti, Archbishop of Genoa.

December 23. Mons. Antonio Lopez y Pelaez, Archbishop of Tarragona.

December 26. Mons. Ulpiano Perez y Quiñones, Bishop of Riobamba.

December 27.

[*Latin ed. p. 33*]

Year XI - Vol. XI, February 1919, No. 2. ACTA APOTOLICAE SEDIS. OFFICIAL BULLETIN. BENEDICT XV, PAPAL LETTERS. THE ALTAHENSIS ABBEY, OF THE ORDER OF SAINT BENEDICT, IN BAVARIA, IS RESTORED TO ITS OWN JURISDICTION, UNDER THE AUTHORITY OF THE PRIMATE ABBOT, OF THE ORDER OF SAINT BENEDICT. BENEDICT XV. Beloved sons, greetings and the apostolic blessing.

Our beloved son, Willibold Adam, Abbot of the Monastery of Metten, of the Bavarian Congregation of Saint Benedict, has informed us of the ancient Abbey of Altahae Inferior, commonly called Niedevaltaich, dedicated to Saint Mauritius, which was once, deservedly, among the most celebrated monasteries of Germany. Indeed, it is true that the aforementioned Abbey was founded around the year of our salvation 731 by a Bavarian Duke, under the patronage of Saint Firmin, and entrusted to the sons of Saint Benedict; and that it flourished in a remarkable manner for nearly eleven centuries, in sanctity, in learning, and in the promotion of the faith. From this monastery, two men emerged whom the Church of God has enrolled among the ranks of the blessed in heaven, namely Saint Godehard, Bishop of Hildesheim, and Saint Thiemo, Bishop and Martyr, as well as many other outstanding men distinguished by the sanctity of their lives, who are venerated as blessed. Furthermore, two archbishops, eight bishops, and twenty-four abbots of other monasteries are counted among those who, in times past, professed the Rule of Saint Benedict in the Monastery of Altahae. It is also known that several other abbeys were founded by the Altahae monastery, that many were reformed by it, and that it greatly increased their splendor. However, at the beginning of the nineteenth century, in the year of our Lord 1803, the Abbey of Altahae...

[*Latin ed. p. 34*]

34 Acta, Apostolicae Sedis - At that time, the official record indicated that, despite being suppressed by the civil government through unjust means, fifty-three priests remained among its members. However, now, in our time, with things improved, thanks be to God, there is hope for restoring this venerable monastery, and there is an opportunity to acquire



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a significant portion of the buildings and assets that once belonged to the abbey. Therefore, the Abbot of Metten has humbly petitioned us to restore the aforementioned ancient abbey to its former glory. We, for whom nothing is more precious than restoring the venerable and glorious monuments of the ancient Catholic religion to their former splendor, readily and willingly accede to this request, having consulted with the Most Reverend Fathers and Brothers, Cardinals of the Congregation responsible for dealing with religious matters. By our apostolic authority, we hereby decree and command the following to you, our beloved son, who, as the Abbot Primate, governs the entire Benedictine family:

I. That, according to your judgment and conscience, you restore the Altahen Abbey of the Order of Saint Benedict, together with all the rights and privileges formerly granted to it, and that you incorporate it into the Benedictine Congregation of Cattolica, and that you allow it to participate in the privileges and favors granted to this Congregation.

II. You shall instruct that the restored Altahen Abbey be administered by a Conventual Prior, whom the Abbot of the Metten monastery will appoint from among his monks, until a new monastic community has grown in the restored abbey, such that its own abbot can be established. When the Congregation judges that all that is required to establish an abbot is present, then you shall order that, in agreement with the civil government of Bavaria, the President of the Benedictine Congregation of Cattolica convene a Chapter of Altahen for the canonical election of an abbot, preside over the election in accordance with the Order's Constitutions, and present the elected candidate for confirmation to this Holy See.

III. Finally, you shall grant the Abbot of Metten the authority to send to Altahen, to form the initial community of the restored abbey, those monks and oblates from his own Metten monastery whom he deems suitable. However, you shall allow those thus sent to freely choose, after five years have elapsed, either to remain in Altahen, with the consent of the Abbot of Metten and the Conventual Prior of Arianensi, or, if they prefer, to return to their own Metten monastery.

These things we grant, decree, and command, notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the tenth day of December, in the year 1918, in the fifth year of our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 35*]

Acts of Pope Benedict XV, 35. LETTERS I to Joseph, S.R.E. Cardinal Prisco, Archbishop of Naples, and other ordinaries of Campania, expressing gratitude for the most devoted common letters, reverently given on the occasion of the upcoming annual meeting.



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Beloved sons and venerable brothers, greetings and the apostolic blessing.

We have with great pleasure observed the image of your devotion in the letters which you, assembled in Naples, recently sent to Us. They convey your services, and above all, expressions of gratitude for the promulgated Code and the proposals for ensuring that the laws enacted in the dioceses of Campania are put into effect. How much work there is to be done; how fruitful are your labors! For, as you well know, the discipline of the Code is extensive, affecting both clergy and laity, and striving to bring both to the fulfillment of every duty. You see the condition of your dioceses, what must be uprooted and destroyed in each, what must be built and planted. But whatever is undertaken in this matter, it must be taught, encouraged, and commanded; it must be pursued with the utmost effort, so that all Catholics may clothe themselves in Christ and freely present themselves in their actions; so that they may love the Church, not in word only, but in deed and in truth; so that they may adhere to the Apostolic See, obeying its commands and zealously defending its rights. For if these foundations are not laid, scarcely anything else will be of benefit.

It is fitting that you mentioned the holy prelates of Campania. It pertains to you not only to inherit their glory, but also to imitate their deeds. For they, whose constant concern it was to ensure that Christ lived in all things through the observance of discipline, seem to confirm you in your holy purpose and to encourage you with their example. We are more impelled by love to write to you than we believe you need our admonitions.

We sincerely thank you for your common services, and We impart to you all, beloved sons and venerable brothers, to the clergy and to the people of each of your dioceses, our apostolic blessing, a testament of Our benevolence and of heavenly blessings, imparted with all Our paternal love in the Lord.

Given in Rome, at St. Peter's, on this twenty-sixth day of December, in the year one thousand nine hundred and eighteen, in the fifth year of Our pontificate.

**BENEDICT P.P. XV.**

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis - Official Commentary II TO THE REVEREND FATHER ARTHUR HINSLEY, BISHOP, MODERATOR OF THE COLLEGE OF URBAN IN ENGLAND, AT THE END OF THE CENTURY SINCE ITS REFOUNDATION. Beloved son, greetings and apostolic blessing. — The piety and faith, which have always been the highest aim of this College, which you preside over, towards this blessed See of Peter, you yourself recently demonstrated most excellently, both in your own



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name and in the name of your students, upon the completion of a full century since the College's reestablishment. We have gladly accepted this testimony, as you well understand; and we rejoice that the opportunity is given to us to commend the special charity that you show towards this institution, which, in turn, we support. And it is truly worthy that this seat of virtue and of the best studies should be greatly cherished by us, for, not only was it founded by the authority of Gregory XIII, but also, after that great upheaval of all things, it was restored by the foresight of Pius VII; and it is well known that it has produced abundant and joyous fruits for the Church of England. Indeed, in times past, unforgettable men have come forth from it, whose minds and hearts were rightly attuned to the sacred duties, and who have diligently served in the missions of England. And among these, not a few have found the praise of the apostolate to be all the more glorious, because they defended the truth of the ancestral faith with abundant blood. Furthermore, those who were educated in this same institution, whether many priests or even sacred bishops, have been of such great benefit to their Catholic people, and have contributed greatly to the reconciliation and conversion of the dissenting, and we rejoice that this undertaking is being carried out; it is certain that they have contributed greatly to the maternal bosom of the Roman Church. It is truly to be lamented that the immense calamity of the European war has inflicted a very grave wound upon this institution, weakening the number of students, and increasing the financial difficulties. We, for our part, are ready to assist in this need as far as our abilities allow, and to contribute to the strengthening of the College, as much as the modest resources of the Apostolic See permit. But the affairs of the College clearly require much more, in order that it may have stability, and above all, it desires the generosity of Catholics from England. Certainly, it is desirable that those who are blessed with goods and with abundance, imitating the generosity of their predecessors, should each contribute as much as is sufficient to provide for the expenses of the individual students. But above all, we earnestly commend the zeal and the support of the Bishops: for it is fitting that they, being, as they are, more devoted to this Apostolic See than others, should, above all others, contribute.

[*Latin ed. p. 37*]

The Acts of Pope Benedict XV, number 37, concern the care that must be taken to ensure that the urban seminary of the Church of England not only does not suffer from a lack of resources, but rather, that it may be strengthened and flourish ever more. For, although those things which pertain to instruction and discipline are not to be omitted – and although students for the sacred ministry can certainly be properly instructed and formed at home, it is clear that in this city, the heart of the Catholic name, they have access to far greater resources of piety and doctrine – we must



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remember above all that a most important bond exists in those institutions which are established in Rome for the education of young people from each nation, a bond that draws Christian peoples closer to the Chair of the Blessed Peter, as to the center of Catholic unity. Here, young men, with the best of hopes, are educated under the eyes of the Supreme Pontiff, near the sacred remains of the princes of the Apostles, among the most august monuments of Christian antiquity, and are initiated into the sacred mysteries, and they draw the very source of the Roman Faith, so that they may be thoroughly imbued with it in the course of their studies, and may subsequently spread it among their own people. Therefore, it is to be hoped that, with the consent of the Bishops of England, this college will emerge from its present difficult condition, and will also flourish happily. This hope is confirmed by the fact that the Cardinal who is now the patron of the college, through his piety and his intellect, illuminates both the Senate of the Church and the English people. Furthermore, the present times, which incline towards peace, also bring good omens to your institution. And may the apostolic blessing, which we impart to you, beloved son, and to your students, be a witness to the maternal benevolence of heaven. Given in Rome, at St. Peter's, on the Feast of the Epiphany of the Lord, in the fifth year of Our Pontificate, 1919. BENEDICT XV. To the Most Reverend Father Francis Xavier, Bishop of Tarbes and Lourdes, concerning the sacred ceremonies to be performed in memory of the apparition of the Blessed Virgin Mary Immaculate. Venerable brother, greetings and apostolic blessing. — As the sixtieth anniversary of the time when the Immaculate Virgin Mother appeared here was approaching, we know that it was pleasing to you to...

[*Latin ed. p. 38*]

38 Acta Apostolicae Sedis - The Official Commentary records the events worthy of remembrance, which should fill the entire year with joyful celebrations, were it not for the calamitous scourge of war. Now, however, since, through the goodness and providence of God, the armies are laying down their arms, it seems fitting that the approaching feast of the Apparition be celebrated with special solemnities. For during this time, so many wonders have been wrought at the Grotto of Lourdes, with bodies afflicted by desperate illnesses suddenly regaining health, with hearts averse to religion illuminated by a sudden light of faith, and with countless individuals, if not receiving the healing they implored, nevertheless returning with the greatest willingness to the divine will. It is our duty to offer immense thanks to the most blessed Virgin for all these benefits, and to include among them that very hope of peace for the world that has shone forth with the laying down of arms, since she is both the herald of the Prince of Peace, Jesus Christ, and the most loving Mother of the human race. For this reason, we must earnestly implore divine mercy, so that that peace may be established which everyone hopes for, a peace that, accompanied by justice



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and equity, will strengthen the bonds between all peoples in Christian charity. Since we promise you the present help and support of Mary, which we have recently decreed through prayers offered everywhere, it is fitting that these celebrations be held especially in the most celebrated Marian shrines, among which the Shrine of Lourdes stands out. Therefore, the sacred celebrations that will soon take place there are highly pleasing to us. And to increase their splendor and fruitfulness, we grant to all who, having duly confessed and received the most holy Eucharist, visit the Shrine of Lourdes, a Plenary Indulgence, not only on the coming eleventh of February, but also on each of the days of the anniversaries of the other Apparitions of the Immaculate Virgin that occur this year. We also wish that those who, under the same conditions, participate in these pilgrimage celebrations to the Basilica of Lourdes during this current year, as you write, may also enjoy the same grant of the Indulgence. Thus, at the feet of the divine Mother, in this most noble seat of her goodness, we also seem to be present with you, in spirit, for the sake of the Christian people, whether in offering thanks or in offering prayers. In return for the paternal duties and observances that you show towards us, we impart to you, venerable brother, and to your clergy and people, our most loving apostolic blessing in the Lord. Given in Rome, at St. Peter's, on this twenty-first day of January, in the fifth year of our pontificate. BENEDICT XV.

[*Latin ed. p. 39*]

Sacred Congregation of the Council, 39. ACTS OF THE SACRED CONGREGATIONS. SACRED CONGREGATION I. DECREE CONCERNING CLERICS MIGRATING TO CERTAIN REGIONS. The reception of clerics coming from distant or overseas places has always been a matter of great importance. In such circumstances, deceptions and frauds can easily occur, and to detect them requires prolonged effort and is difficult, given the great distance and the diversity of languages. Therefore, Alexander III, in consultation with the Bishop of Genouillac, renewing the statutes of the Fathers of old, concerning clerics ordained in remote regions, and also concerning those from overseas, decreed "that at least five bishops should provide testimony regarding their ordination." This law, recorded in the Decretals, title 22, book I, constituted common law for many centuries.

However, in our age, with voyages across the Ocean becoming more common and frequent, new laws have been enacted for clerics migrating from Europe to those places, and most recently through the decree Ethnographica studia, in which more provisions were added according to the circumstances of the time; and it has been shown that, when carefully observed, these have greatly benefited the good of souls. Nevertheless, experience has shown that something further needs to be added in this matter, and that other things need to be adjusted, so that the salutary purpose of the former decrees may be more fully and easily achieved.



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Furthermore, the publication of the Code of Canon Law has required, as far as possible, the coordination of this particular law concerning clerics migrating across the Ocean. Therefore, having considered the opinions of many prelates of the United States, and having considered what has been reported by Nuncios and Apostolic Delegates, the Most Reverend Fathers of this Congregation, after subjecting everything to diligent examination at the mandate of the Most Holy Pope Benedict XV, have judged it fitting to establish the following:

The Councils of Carthage, Chalcedon, and Antioch, as well as St. Augustine (cf. Decretal of Gratian, dist. I, cap. V).

[*Latin ed. p. 40*]

40 Acta Apostolicae Sedis - Official Commentary

**CHAPTER I.**

The entire law of the Sacred Congregations of Propaganda Fide and for the affairs of the Oriental Rite, concerning the migration of priests of this rite, with regard to others, shall be observed as follows:

1. For priests who are migrating for a long or indefinite time, or perpetually, from Europe or from the shores of the Mediterranean to America or to the Philippine Islands, it shall be permissible for Bishops, and not for Vicars General or Capitulars, to grant letters of dispensation, provided that the following conditions are observed:

a) That the priests in question are secular clergy holding a canonical title proper to them;

b) That these, after their ordination, have served the diocese for at least several years;

c) And that, within this time, they have given certain proof of a life of impeccable conduct, and have been sufficiently instructed, so that they may give solid hope of building up the people to whom they intend to go, and that they will not, in any way, stain the priestly dignity, as the Apostolic See has prescribed in repeated previous decrees;

d) Provided that they have a just reason for migrating, e.g., the desire to devote themselves to the spiritual assistance of their fellow citizens or of others residing there, the necessity of seeking medical care, or another similar motive, consistently with what canon 116 of the Code requires in the case of excardination;

e) Under the law, which both Ordinaries are to observe with the utmost care: that the Bishop who is dismissing [the priest] shall, before granting permission and letters of dispensation, speak directly with the Bishop to whom [the priest] is going, and inform him of the priest's age, life, morals, studies, and reasons for migrating, and shall request from him whether



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he is willing to accept him and to assign him some ecclesiastical ministry, which should not consist solely of the celebration of Mass, whenever the migrating priest is young in age and full of vigor; nor shall permission and letters of dispensation be granted to the priest before a positive response has been received from both.

f) The Bishop to whom the priest is presented will not accept him, unless necessity or the benefit of the Church demands or suggests it, or unless another just and reasonable cause intervenes.

2. Letters of dispensation shall be drawn up in a special form, that is to say, they must express the consent or the terms [of the agreement].

[*Latin ed. p. 41*]

1. The Consistorial Congregation decrees that, whether the dispensation is permanent or granted at the discretion of the granting Bishop, the acceptance by the Bishop to whom the priest is being assigned, and the priest's individual particulars, namely his age, origin, and other details by which his person can be described, must be included, so that no one may be deceived concerning his identity; otherwise, the completed letters will be of no value and will not be considered.

2. The prescription established in the decree on Ethnographic Studies remains in force, according to which Ordinary [bishops] of Italy are relieved of the obligation of issuing dismissal letters, concerning which we have spoken in the preceding article; but after the matters specified in n. 1 have been completed, the matter shall be referred to this Sacred Congregation, which will grant written permission, communicating with both Ordinaries.

3. The same is established for Bishops of Spain and Portugal, with this difference: that the obligation of granting permission is attributed to and reserved to the Apostolic See, through its representative in those nations.

4. Those who lack these letters or permission will not be admitted to the exercise of the sacred ministry; but those who possess them will be admitted even in transit, unless some particular and extraordinary reason prevents it, if they are compelled to remain for a short time in such places.

5. Provided that these norms and other regulations established in Title I, Book II of the Code are observed, priests dismissed from dioceses in Europe may also be incardinated in dioceses of America and the Philippine Islands, with the consent of both Ordinaries.

6. Priests dismissed from dioceses in Europe may transfer from one diocese in America and the Philippine Islands to another, with the consent of the Bishop from whom they wish to depart and the Bishop to whom they wish to go, provided that the essential norms set forth in n. 1 and 2 are observed, and the priest's proper Ordinary, or, if the priest is Italian, Spanish, or Portuguese, the office of the Holy See from which the permission for his departure originated, is informed. The obligation of informing the priest's



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proper Ordinary or the office of the Holy See will belong to the Bishop who receives the priest in his new assignment.

7. It is earnestly recommended to the care and solicitude of the Ordinaries of America and the Philippine Islands that they ensure that emigrated priests do not remain in private homes or in boarding houses, or in public inns, but rather in ecclesiastical buildings intended for instruction or teaching, or with some parish priest or religious men. If, without a legitimate reason, they refuse to comply, they shall be forbidden from celebrating Mass after a peremptory warning has been given.

8. Religious, while persevering in their religious order, may be sent by their superiors across the ocean to other houses of their order, without any law being observed concerning this, except that the superiors' conscience bears a grave responsibility.

[*Latin ed. p. 42*]

Acta Apostolicae Sedis – The official record is burdened, so that consideration may be given to those religious who are of immaculate life, of good reputation, and of a proper vocation, and who have been well instructed in ecclesiastical studies; so that it may be safely determined that their mission will be beneficial to good souls and to the edification of the faithful.

10. Religious who are cloistered, for the time that they remain outside the monastery, and religious who are secularized, are subject to the same law as secular clergy.

## CHAPTER I.

11. Secular clergy who wish to travel from Europe or from the shores of the Mediterranean to America or to the Philippine Islands for a short time, not exceeding one semester, do not require the permission of the Ordinary of that place, or of those places to which they are traveling, as would be required for a long or permanent stay.

However, they must:

a) have a just and honorable reason for undertaking the journey, and make it known to their Ordinary, so that they may obtain the necessary letters of permission from him;

b) be provided with letters of permission from their Ordinary, not in a common form, but in a specific form, clearly referring to what is prescribed in the preceding paragraph, indicating the reason for the temporary journey and the length of time granted;

c) report the approval of the Holy See, which must be obtained either from this Holy Congregation, or from the Legates of the Apostolic See, in places where they are present; unless some urgent reason requires their departure without delay: in which case, this must be stated in the letters of



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permission;

d) in any case, be provided with a sufficient sum of money, not only for a decent journey, but also for their return; for which purpose, the Ordinary must take care that the sum necessary for their return is deposited with some financial institution, or in some other safe manner, so that no difficulty may hinder their return.

13. Cloistered religious, during the time of their cloister, and religious who are secularized, are subject to the same law.

14. If, after the expiration of the temporary permission, someone is unable to return due to illness or another just and necessary reason, the Ordinary of the place may grant an extension, provided that the Ordinary of the priest and the office of the Holy See are promptly informed, from which the permission to travel was granted.

## CHAPTER III.

15. The laws concerning migrating priests also apply to those priests who, either on a foreign journey or in foreign places of residence, even in Europe, travel with farmers and other workers.

[*Latin ed. p. 43*]

The Sacred Congregation Consistorial [43] declares that whether those who, with a superior spirit, undertake this ministry, or whether they are appointed to this office by some of those institutions which, providentially, have been established in our time for the benefit of migrants, the following regulations apply.

1. Priests who, having disregarded these laws, have rashly and presumptuously left their posts, shall remain suspended from the administration of the sacraments; those, however, who nevertheless dare to perform sacred duties (may God avert it), shall incur irregularity; and they shall not be absolved from these penalties except by this Sacred Congregation.

***

His Most Holy Lordship, Pope Benedict XV, having approved and confirmed the resolutions of the esteemed Fathers, ordered that they be made public law, and that all to whom they apply observe them scrupulously, all other prescriptions contained in the decree *Ethnografica Studia* being suspended, and all contrary provisions being of no effect whatsoever.

Given in Rome, from the Sacred Congregation Consistorial, on the 30th of December, 1918.

[Signature] C. CARD. DE LAI, Bishop of Sabina, Secretary.

[Signature] L. & S. f V. Sardi, Archbishop of Caesarea, Assessor.

## II. REGARDING THE DECREE *REDEUNTIBUS*: A DECLARATION.



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Having been asked by the Procurator General of the Priests of the Sacred Heart of Bétharrame, and by that of the Missionaries of La Salette, whether the word "Ordinary" contained in the decree *Redeuntibus* includes their respective Superiors General, and whether this applies to the holding of spiritual exercises, and to the granting of absolution from irregularities, and to other effects of said decree; or whether, according to the canonical meaning of the word "Ordinary," they are to be excluded; this Sacred Congregation, by order of the Holy Father, has responded in both cases: "Ordinary" in this case, and with regard to the effects of the decree *Redeuntibus*, includes the aforementioned Superiors General of the aforementioned Congregations.

From the Secretariat of the Sacred Congregation Consistorial, on the 20th of January, 1919.

[Signature] G. CARD. DE LAI, Bishop of Sabina, Secretary.

[Signature] L. B S. f V. Sardi, Archbishop *titularis* of Caesarea, Assessor.

[*Latin ed. p. 44*]

44 Acta Apostolicae Sedis - Official Commentary III FORTALEZA AND CRATO. ADJUSTMENT OF BOUNDARIES. Whereas, by order of His Holiness Pope Benedict XV, in letters dated August 21, 1917, the Reverend Father Angelo H. Scapardini, Archbishop of Damascus, Apostolic Nuncio in the Brazilian Republic, was charged with resolving the difficulties arising from boundaries, which were not entirely certain and in some places less suitable, between the two dioceses of Fortaleza and Crato; the same Apostolic Nuncio, by his decree dated March 19, 1918, adjusted the boundaries of these dioceses in the following manner. The dividing line, which extends from the source of the river commonly called Frussii to the mountain called Serra de Ouro, follows the watershed, separating the parishes of Maria Pereira, Gocheira, and Jaguaribe Mirim, which belong to the Archdiocese of Fortaleza, from the parishes of Iguatu and Leo, which belong to the Diocese of Crato. His Holiness, in an audience on January 24, 1919, approved and confirmed this matter. G. CARD. DELLA VELA, Bishop of Sabina, Secretary. L. CARD. SARTI, Archbishop of Caesarea, Assistant. IV APPOINTMENT OF CERTAIN ORDINARIES FOR APPEALS FROM THE METROPOLITAN. Whereas, according to canon 1594, § 2, it is established that "in cases heard in the first instance before the Metropolitan, an appeal shall be made to the local Ordinary, whom the Metropolitan, with the approval of the Apostolic See, shall once and for all designate"; the Patriarch of Lisbon designated the Ordinary of Evora. The Archbishop of Messina designated the Ordinary of Patti. The Archbishop of Turrita designated the Ordinary of Algarve. The Archbishop of Bourges designated the Ordinary of Limoges. The Archbishop of San Salvador designated the Ordinary of the diocese of Santa Ana. The Archbishop of Auch designated the Ordinary



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of Tarbes and Lourdes.

[*Latin ed. p. 45*]

The Most Holy Congregation of Cardinals,

To the Most Reverend Archbishop of Tours, and to the Ordinary of Bordeaux (-Bazas).

To the Ordinary of Mechoacan, of Queretaro.

To the Ordinary of Santa Severina, of Rossano.

To the Ordinary of Algiers, of Constantina.

To the Ordinary of Warsaw, of Lublin.

His Holiness Pope Benedict XV, having heard the report of the Eminent Secretary of the Holy Consistorial Congregation, has deigned to approve the appointments as mentioned above.

**BY ORDER OF THE HOLY CONGREGATION,**

His Holiness Pope Benedict XV has provided the following churches with their own pastors, namely:

December 13, 1918.

To the Archiepiscopal Church of Rossano, the Reverend Father John Scott, formerly Bishop of Cariati, has been appointed.

December 23.

To the Cathedral Church of Alexandria of the States of the Church, the Reverend Father Joshua Signori, formerly Bishop of Fossano, has been appointed.

To the Cathedral Church of Alatri, the Reverend Father Anthony Torrini, canon of the Cathedral Church of Fesula, and rector of the seminary of the same diocese, has been appointed.

To the Cathedral Churches of Cagli and Pergola, perpetually and canonically united with each other, the Reverend Father Augustus Curi, archdeacon of the metropolitan Church of Firmana, has been appointed.

January 7, 1919.

To the Metropolitan Church of Burgos, the Reverend Father John Benlloch y Vivó, formerly Bishop of Urgel, has been appointed.

January 16.

To the Cathedral Church of Fossano, the Reverend Father Quiricus Travaini, archpriest of the place commonly called "Trecate," in the diocese of Novara, has been appointed.

January 25.

To the titular episcopal Church of Usula, the Most Reverend Father Jacob umLaminne, general vicar of Liège (Luik, Lüttich), whom he has appointed as an Auxiliary Bishop of Liège.



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APPOINTMENTS

By decrees of the Holy Consistorial Congregation, the following have been appointed:

December 9, 1918.

The Reverend Father John Sodo, Bishop of Ascoli, of Apulia, of Cerignola, as Apostolic Administrator of the diocese of Troia.

His Eminence Alexius S.R.E. Cardinal Ascalesi, Archbishop of Benevento, as Apostolic Administrator of the diocese of Lucera.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis - Official Commentary of WRATISLAVIEN. MASSES FOR THE PEOPLE. On July 13, 1918, the following matter was presented. To better understand the circumstances of this case, it is fitting to present the text of a letter from the Most Reverend Bishop of Vratislaviensis, which was recently sent to the Holy See. He wrote as follows: "Frequently, priests of the diocese of Wratislaviensis, who are called Curates or even Local Priests, have presented doubts to both my predecessor and to myself regarding the obligation of applying the Mass for the People, doubts which arise from the nature of their office; and although responses have already been given by the Holy See to these individuals, these doubts have not entirely disappeared, as is evident from the questions repeatedly posed recently. Furthermore, instructions on this matter given by various Ordinaries, and the opinions of authors, do not entirely appear to agree. Therefore, in order to clarify the application of the current norms, and also to bring peace of mind to consciences in this matter of such importance, it would be very beneficial if the Holy Congregation would deign to answer the following questions. Indeed, there exist various kinds of Curates in this diocese, which, within its vast district extending across four provinces, encompasses regions of very different conditions, namely, regions which are almost entirely Catholic, regions of mixed religions, and extensive regions of diaspora (i.e., where Catholics live dispersed among non-Catholics). It is certainly the case that in all regions, parish priests of canonically established parishes are obligated to apply the Mass for the People. It is also certain that those Curates are exempt from this obligation who, in the very seat of the parish, serve the care of souls by virtue of their office or their curatial benefice, to which a district entirely separate from the parish is not assigned. However, there exist other curacies regarding whose obligation doubts are known. I will briefly explain these. I. In regions of diaspora, where Catholics are dispersed among non-Catholics who are often much more numerous, many curacies have been established over time, which are entirely similar to Curates in mission lands. These are not properly called benefices, but are merely stations established for the care of Catholics in



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the surrounding diaspora area, for each Curate..."

[*Latin ed. p. 47*]

I. The Holy Congregation of Councils assigns [these matters]; the pastors are removable at the will of the bishop, even though they already exercise the primary care, according to decrees given to them by the Ordinary. The question arises: are they obligated to provide for the people? It seems that this must be denied, considering the responses given by the Holy See, both concerning mission territories (S. C. de Prop. Fide, March 23, 1863), and also to the Bishop of Osnabrück, as the apostolic administrator of those regions, now called "Northern Missions" of Germany.

II. In other parts of my diocese, where there exist so-called parish districts, due to the necessity of better providing for the spiritual needs of the people, curacies have been established throughout, for the benefit of the parishioners who live furthest from the parish church. These curacies are established for a specific, defined district, which is not fully separated from the overall parish structure. The pastor, or local priest, who is removable at the will of the bishop, exercises the primary care by virtue of a decree given to him by the Ordinary. Is he obligated to provide for the people? It seems that this must be denied. For, within the main, permanent parish district, the pastor of the entire parish is obligated to provide for the entire flock, which includes the parishioners who belong to the filial district. The pastor of that district, although serving a separate district, exercises the primary care more by virtue of the bishop's mandate as a cooperator of the pastor, than by the inherent nature of his office.

III. A third type of curacy exists, which is similar to the type described under number II, but differs from it because the curatial district, with regard to the administration of temporal matters and rights pertaining to temporal matters, is entirely separate from the parish district. In Prussia, a civil law was enacted on June 2, 1875, concerning the administration of the temporal goods of "Ecclesiastical Communities," a law which has been tolerated and accepted by the bishops with the knowledge of the Holy See; according to this law, a part of the parish district can be separated from the parish, so that it becomes an "ecclesiastical community" with its own rights, and so that the inhabitants are freed from the burdens and obligations concerning temporal matters to which they were previously subject as part of the parish district. Such a separation, concerning only temporal matters, does not, however, create a new parish, since that civil law intends only to regulate the administration of temporal goods and the rights and obligations pertaining to temporal matters. If such an "ecclesiastical community" of the curacy is established with the approval of the government, confirmed by a document from the bishop, the pastor is authorized to exercise the primary care by a decree of the Ordinary, but the curacy is not established as a benefice; the pastor remains removable



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at the will of the bishop. Finally, if, over time, the pastor, after having acquired a sufficient endowment, can establish a parish benefice, a complete separation occurs, and even concerning...

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis - Official Commentary: "Spiritual matters; the pastor becomes entirely the proper shepherd of the flock and 'inamovible.' From these circumstances, the question often arises whether a 'removable' pastor of a district, insofar as temporal matters are concerned, is entirely separate from the district, because, by the force of the decree, the Ordinary administers the primary care; although, insofar as spiritual matters are concerned, the district may not yet be definitively separated from the parish, he is nevertheless obligated to apply [the Mass] for the benefit of the people of his district, or whether the pastor of the principal church, applying [the Mass] for the benefit of the entire parish, includes in his intention also the district, until the cure of souls is transferred to the parish, even insofar as it is entirely separated spiritually."

OBSERVATIONS. - The opinion of the Most Holy Congregation of Roman and Learned Theologians is that the cause of the obligation to apply the Mass for the benefit of the people is entirely based on the pastoral office (cf. S. C. C. in Caietan., December 16, 1807; Rome, July 9, 1881, and many references cited therein), hence it is commonly held that someone is not bound by this law because of the benefit [of the office], but because of the office itself, not because of goods or revenues, but because of the ministry. Therefore, it is certain that this law obligates not only pastors, but also vicars, even if they are only exercising actual care, or even those who are removable at the will [of the Ordinary], or those who are assigned for a short time, even if the parish or the pastor is regular, even if there are no revenues or if they are very meager, so as not to suffice for a proper provision (Benedict XIV, Constitution, Cum semper, §§ 4-5). Therefore, one thing is required and suffices to impose this obligation, namely, that someone is the proper shepherd of a determined flock, so that to him, "the care of souls has been entrusted" in the strict sense, according to the norm of the Council of Trent, Canon I, Session XXIII, De ref., it can be said. Indeed (as is rightly explained in the learned dissertation of Tarquini, for the cause before the Congregation for the Propagation of the Faith, March 23, 1863, summarized in Act. S. Sedis, I, 390 ss.), according to the divine institution of the Church, the office of the pastor, in its entirety or fullness, resides only in the Bishops: therefore, only Bishops are absolutely bound by divine law to offer the sacrifice for the people; hence, from the Apostle himself (Hebrews, V, 1 and VIII, 3), every priest, that is, every chief priest, not every priest, is called... The others, who have the care of souls, besides the Bishops, do not have, as their own and inherent pastoral office, one derived from divine law, but they exercise it by ecclesiastical delegation and institution,



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within certain limits. Therefore, although it is said of these, of pastors and others, that they are burdened by a duty imposed by divine precept to apply the Mass for the benefit of the people, it must be understood that this is by divine law, not absolute, but hypothetical (cf. also Benedict XIV, Constitution, Cum semper, and Pius IX, Amantissimi, in which it is not said absolutely that it is commanded by divine precept, but that it is according to divine precept).

[*Latin ed. p. 49*]

49. The Holy Congregation of the Council has decided. The hypothesis, however, is threefold, namely: I. That the Church has, in some way, entrusted the care of souls to others besides the Bishops; II. That what has been entrusted to them is not merely facultative, but involves an obligation; III. That this care of souls has been entrusted without that limitation which would exclude the obligation of applying the Mass for the benefit of the people. Since these three hypotheses are verified solely by ecclesiastical law and ordinance, it is within the power of the Church to regulate or remove them, and also to dispense from, or temper, the resulting burden or office, which, in fact, it does not refuse to do when a reasonable cause is present. Hence, it follows that the obligation of the Mass for the people arises in the same way, with the distribution of the ecclesiastical territory into distinct parts, by which the aforementioned hypotheses are effectively carried out: therefore, when the Code of Canon Law, recently, also indicated this division, by which the territory of vicariates apostolic and prefectures apostolic is divided into parts called "quasi-parishes" (can. 216, § 3), it necessarily followed that the particular rectors, or "quasi-parishes," are also obligated to apply the Mass for the benefit of the people, in the same way as the parish priests (can. 466, § 1), although, for each place, it is greatly tempered. Indeed, it is known that, in the canon law preceding the Code, all Missionaries, although they assumed the care of souls in certain places (provided they did not take the place of legitimate pastors in canonically erected parishes), were always simple preachers of the Word of God, and in no way considered to be parish priests (S. C. Prop. Pid., January 28, 1778), and therefore were not more obligated to apply the Mass for the benefit of the people than priests who were requested by Bishops to go to a deserted parish out of charity, in order to administer the sacraments there (ibid. S. C., March 23, 1863; August 18, 1866; November 8, 1882). With these premises, it does not seem doubtful that one should agree with the Bishop's opinion, regarding the curates of the second and third kind in the specific case cited: for in both cases, it concerns the care of souls in a part of the territory already constituted as a parish, carried out by order of the Bishop, in order to better serve the good of the faithful; yet that part is not dismembered, but retains its connection with the rest of the parish territory, so that the people entrusted to these Curates by the Ordinary do not cease to belong to



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the parish priest of the entire parish: therefore, the priest appointed by the Ordinary, although he fulfills the place of the parish priest in the territory entrusted to him, does not cease to be a cooperating vicar of the parish priest, according to the provisions of can. 476, § 2, and therefore is not obligated to apply the Mass for the benefit of the people, according to § 6 of the same canon (cf. also c. 475, § 2), but this burden, ACTA, vol. XI, n. 2. — 1-2-919. 4

[*Latin ed. p. 50*]

50 Acta Apostolicae Sedis - The official commentary, both before and after the enactment of this "Curate" regulation, places a burden on the parish priest, to whom the entire people belong. The only difference that distinguishes this type of curate from another is the curate's independence from the parish priest in the administration of goods, but this does not change anything, because it only concerns temporal matters, and, as we have seen from the beginning, it does not affect the offering for the Mass for the people; even with this independence, it does not follow that a proper pastor is established, distinct from the pastor of this parish, and that the curacy is conferred upon him in title (cf. can. 451, § 1); all of which is necessary to prevent two people from being burdened for the same parish. On the contrary, a not insignificant difficulty arises regarding the first type of curates, as they are actually constituted. These are, namely, priests who care for the souls of Catholics who live dispersed among non-Catholics, within the limits of a station assigned to them, in much the same way as missionaries care for the souls of the faithful dispersed among non-believers within the limits of a "quasi-parish" entrusted to them. From the answers previously given regarding missions, the Bishop concludes that these curates are not subject to the offering for the Mass for the people; however, with the law now amended by the Code, and the maximum that can be deduced from it, is that these curates are not subject to the offering for the Mass for the people, except on certain holidays listed in can. 806 (cf. can. 466, § 1). But, what is more serious, these stations do not seem to be equivalent to quasi-parishes, but rather are true and proper parishes, as can be seen from can. 216, § 3: for in this case, stations are not parts of the territory of any prefecture or vicariate apostolic, but are definitively part of the diocese of Wratislaviensis, in which, according to the aforementioned canon, they do not bear the name and concept of quasi-parishes: therefore, it remains only to conclude that these parts, although called stations, are true parishes, insofar as they represent "a distinct part of the territory" to which is assigned "its own church, with a determined people, and its own proper pastor, as "its own pastor" for the care of souls. It is not said that the people of these stations, although dispersed among non-Catholics, still belong to some other neighboring parish, or have another proper pastor besides the pastor of the station, to whom this burden could be transferred, as



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has already been discussed. It cannot be objected that these stations are not erected as benefices, or that they do not have an established endowment: for, setting aside the fact that nothing of this kind is found in the acts, even if it were the case, it would not prevent them from being called parishes, according to the passage in can. 1415, § 3. Although can. 710 mentions places "where parishes or quasi-parishes have not yet been established," this does not mean...

[*Latin ed. p. 51*]

The Holy Congregation of the Council has decreed that certain "stations" already established and constituted in 51 such places should be considered distinct; but this should only be applied to canon 216, § 2, where the division of a vicariate into quasi-parishes is permitted, with the limitation that it should be done where it can be conveniently done. Therefore, if "stations," as mentioned in the first instance, are to be considered true and proper parishes, there is no doubt that their pastors or vicars are bound by the obligation to offer the Mass, and indeed entirely according to canon 339; however, it does not prevent the burden from being mitigated by the benignity of the Church, if a reasonable cause arises, as was noted from the beginning; but these matters must be addressed in particular cases, in which recourse must be made in each individual instance; while, for the present, we are dealing with the establishment of a general norm.

RESOLUTION. - In a plenary session on July 13, 1918, the Most Reverend Fathers of the Holy Congregation of the Council, after careful consideration, decided to issue a decree regarding the proposed requests: "First-class vicars are to be bound; second and third-class vicars are not to be bound." And on the following day, after the matter was presented to His Holiness by the undersigned Secretary of the Holy Congregation, His Holiness deigned to approve and confirm the resolution. I. MORI, Secretary.

## I. DECREE CONCERNING MISSIONARIES RETURNING FROM MILITARY SERVICE.

The Sacred Congregation has issued a very opportune decree concerning clerics returning from military service, dated October 25, 1918, which was published in No. 12 of the Acta Apostolicae Sedis of the previous year (Vol. X, page 481). Now, this Holy Congregation of Propaganda, extending the provisions of the aforementioned decree to Institutes, Seminaries, and Colleges of missions, subject to its jurisdiction, establishes that missionaries and students of the same must present themselves within the established period of ten days, in the place of the Ordinary, to their respective Superiors, even if the missionaries and students have not been assigned by their



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own Diocese.

[*Latin ed. p. 52*]

The Acts of the Apostolic See – Official Commentary. Furthermore, it ordains that none of the missionaries or students returned from military service may be sent back to the mission territories, unless they have first completed the prescribed course of spiritual exercises and all other prescriptions of the aforementioned decree of the Sacred Congregational Consistory. Rome, January 15, 1919. G. M. CARD. VAN ROSSUM, Prefect. L. © S. C. Laurenti, Secretary.

II. DESIGNATION OF ORDINARIES FOR APPEALS ACCORDING TO CANON 285. According to canon 285 of the Code of Canon Law for appeals: July 16, 1918. – The Most Reverend Archbishop of Verapoli designated the Ordinary of Quilon. November 8. – The Most Reverend Archbishop of Columbus, the Ordinary of Ianuensa (Genoa). These designations were approved by the Most Holy Father, Pope Benedict XV, fifteen days later, in the aforementioned year.

SACRED CONGREGATION FOR THE RITES. DECREE OF CANONIZATION OF THE BLESSED GABRIEL, A CLERIC PROFESSED, OF THE CONGREGATION OF REGULAR CLERICS OF THE MOST HOLY CROSS AND PASSION OF OUR LORD JESUS CHRIST.

Considering that, with the approval of the Holy See, two miracles have been proven concerning the aforementioned Blessed, and that, after the veneration granted by the Apostolic See, it is possible to proceed safely to the solemn Canonization;

Having carefully examined the causes of Beatification and Canonization, and having scrutinized their nature more deeply, it is immediately apparent that the aforementioned causes are, by the particular order of Divine Providence,

[*Latin ed. p. 53*]

5. The Congregation of Rites, may God govern and direct it. This, which is evident in all that has been and is being done within the Congregation of Sacred Rites, becomes particularly clear in this matter. For young men, especially those devoted to studies, upon whom so many snares are laid and who are tempted by various arts, the Most Blessed Gabriel of the Sorrowful Virgin is a great example. For, flourishing in youth and grace, he scarcely had experience of the world when, concerned to withdraw from danger and eager to safeguard the seeds of immaculate virtue, at the age of eighteen, he entered the Congregation of the Passion of Our Lord Jesus Christ, through the operation of divine grace, and there led a hidden life, which, alas, was very short. For, scarcely having completed his twenty-fourth year from his birth, this man, already ripe for heaven, happily exchanged his earthly life for his heavenly home. But, the more he abandoned



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the world after entering religion, and the more completely he was forgotten in its delights, so much the more, after the thirtieth year of his death, did he begin to be known and esteemed among the Christian people. Indeed, when, in the year 1892, the canonical recognition of the sacred relics of this Servant of God took place, almost unexpectedly and beyond all expectation, he received great renown through numerous miracles, which were said to have been divinely wrought through his intercession. The most blessed Paul of the Cross, moved and no less silently admonished by the voice of God inviting his faithful servant to ascend higher, as was fitting, diligently and zealously, without any delay, devoted their mind and effort to honoring their beloved companion among the blessed in heaven. And so it happened that the outcome of their endeavors was so prosperous and so swift that, within a very short space of twelve years, they completed the long and arduous journey by which the cause of canonization is conducted, and the discipline is observed; for, when this cause for beatification began in the year 1896 through the Signature, which they call the Commission, the legal proceedings of the cause were completed in the year 1908, and on the last day of May of that same year, which then fell on a Sunday within the octave of Ascension, the solemnities of the beatification were celebrated in the patriarchal Basilica of the Vatican, according to the usual and solemn rite. And, as was entirely fitting, these events could not fail to bring spiritual fruit to the Christian people. As soon as it was possible, the Apo-

[*Latin ed. p. 54*]

54 Acta Apostolicae Sedis - The official record of the Holy See presented a most fitting and propitious opportunity, in the name and with the authority of the Holy See, to publicly and ecclesiastically honor the servant of God, Gabriel, born of the sorrowful Virgin, so that the virtues of the aforementioned Blessed One might be made known, heroic examples might be presented for imitation, and miracles and other extraordinary gifts might be recounted, from which the devotion of the faithful would receive nourishment and sustenance; this, no one can deny. And it is worthy of special note that, scarcely a few months had passed since, after the rite of Beatification was completed in the Basilica of the Vatican, solemn triduums began to be held in various places concerning the apostolic privilege, when, as if to indicate that God had not obscurely deigned to show, through new signs and wonders from Heaven, how much He approved of the prayers offered for the patronage of the Blessed One, the cause for Canonization, as they call it, was resumed, and from among the various portents that surrounded it, two healings were selected, and these were found to be of such a nature that they deserved the name, dignity, and honor of a true miracle, as the apostolic decree, recently published concerning miracles, teaches; therefore, it is clear that, as required by the law for the solemn attainment of the Canonization of the Blessed Gabriel, born of the sorrow-



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ful Virgin, all has been duly fulfilled. And so, having come to this point, the discourse must return to its origin. For, since there is scarcely another cause that has so swiftly and expeditiously achieved the desired goal of Canonization, and since it is to be repeated, according to the wise and provident counsel of God, one must suspect and venerate the will of God, and it is permissible and fitting to acknowledge and declare the goodness and excellence of the cause, as the sacred Order here has acknowledged and professed, through its actions. In general, in the Congregation which, on the third day of the preceding month of December, was held before the Most Holy Pope Benedict XV, the Relator of the cause, the Most Reverend Cardinal Anthony Vico, proposed the following question: - Whether, with the approval of two miracles, it is possible to proceed safely to the solemn Canonization of the Blessed Gabriel, born of the sorrowful Virgin, after the veneration of the Blessed One has been granted by the Apostolic See? - The Most Reverend Cardinals and Fathers Consultors unanimously responded that it is possible to proceed safely. Nevertheless, the Most Holy Pope postponed his final judgment, reminding all those present that, in such a grave matter, the help of heavenly light should be sought through common and fervent prayers to God. But today, on this day when the most beautiful mystery of the Epiphany of the Lord is commemorated, after a most religious Eucharistic Sacrifice,

[*Latin ed. p. 55*]

And the Congregation of Rites ordered that the Reverend Cardinal Antonius Vico, Bishop of Portua and of St. Rufina, Prefect of the Congregation of Sacred Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, together with those assisting, should solemnly pronounce: That it is safe to proceed to the solemn Canonization of Blessed Gabriel of the Virgin, who suffered. This Decree was to be made public, inserted into the records of the Congregation of Sacred Rites, and the apostolic letters concerning the solemn Canonization, when it shall be possible, were to be issued for celebration in the Vatican Basilica, on the eighth of the Kalends of January in the year 1919. [Signed] A. CARD. VICO, Bishop of Portua and St. Rufina, Prefect of the Sacred Congregation. L. S. Alexander Verde, Secretary. OF THE SERVANTS OF GOD IN ROME, DECREE OF BEATIFICATION AND CANONIZATION OF MARY TAIG-I, MOTHER, AND OF VENERABLE ANNA, OF THE THIRD ORDER OF THE MOST HOLY TRINITY FOR THE REDEMPTION OF CAPTIVES. Concerning whom we speak? The miracles, it is established beyond doubt, in the case and to the effect that it is fitting to announce this apostolic decree, concerning the Servant of God Anna Maria Taig-I, who, as far as she lived among men, was a wife and mother. That everyone may understand the excellence and dignity of this most noble cause, and may fully persuade themselves that it is not at all necessary to



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embellish the matter with words. But the force of this argument is strengthened and increased by the fact that the course of events has proceeded so auspiciously and successfully thus far, that it now includes all that is legally required for the formal attainment of Beatification.

[*Latin ed. p. 56*]

56 Acta Apostolicae Sedis - The Official Documents, and those which are found expressed even in the venerable monuments of antiquity: "We consider that, although final perseverance alone is sufficient for someone to be 'holy before the Lord in the Church triumphant,' according to the words: 'Be thou faithful unto death, and I will give thee the crown of life'; nevertheless, in order that someone be accounted 'holy among men in the Church militant,' two things are necessary: virtue of morals and the truth of signs; that is to say, merits and miracles, so that these and those may contend with each other, since neither merits without miracles, nor miracles without merits, are fully sufficient to demonstrate to men the witness of holiness. But when sound merits precede and miracles clearly follow, they give certain evidence of holiness, so as to lead us to venerate that which God exhibits as venerable, through preceding merits and subsequent signs; which two things are more fully gathered from the words of the Evangelist: 'But they going forth preached every where: the Lord working withal, and confirming the word with signs that followed.'" (Gregory IX, in the Bulla Canonizationis S. Antonii Patavini, Cod. Canonizata, page 65). Indeed, the merits which the venerable Handmaid of God, Anna Maria Taigi, acquired and accumulated, especially in piously and religiously fulfilling the duties of wife and mother, are undoubtedly and most excellently demonstrated by the heroic virtues of the aforementioned Handmaid of God, which have long been approved by the solemn judgment of the Church. Moreover, God, through the divine testimony of miracles, deigned to recognize and confirm the excellent merits and the generous virtues exercised by the Venerable one as an example; for it could not have happened without a miracle that both healings occurred, as a brief and effective demonstration clearly shows. Certainly, everything that was done in both healings had to be ascertained and investigated, so that it could serve as a foundation for the judgment, as the famous saying reminds us: "Factum initium juris." And, as is fitting in such matters, those who had heard the testimonies in the judicial records were questioned. These witnesses, moreover, explained the symptoms of the illness from which both women suffered, and as they worsened day by day, when the venerable Handmaid Anna Maria Taigi approached, they stated that they saw with their own eyes the illness flee, and, in number and quality, they faithfully recounted what was required by law; so that, with the addition of confirming and supporting documents,



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they served as strong aids, which...

[*Latin ed. p. 57*]

The Holy Congregation of Rites, number 57, was absolutely necessary, and it was not the least bit unjust or illegitimate to provide a thorough and legitimate examination of these matters. With these premises firmly established, and with the elements of the case, from the known to the unknown, to be carefully investigated, the matter quickly reached Grado, as required by the laws of logic, and it is the primary duty of reasoning. Since the question concerned a technical matter, as they say, no error could easily be found; therefore, the greatest care was taken to select men skilled in the art; and indeed, with the appropriate insight from the science of medicine, which was to be demonstrated to the actors, it was clearly shown to be solidly and convincingly true. It was indeed established openly that, in both cases, the illness was due to a certain material and organic lesion, with which a sudden and perfect cure, as described in the records, could never occur; for the forces of nature, which the Author of nature, God, has established, stand in the way; therefore, both cures must necessarily be considered to have been accomplished by a miracle, and this must be certain. This matter, with its clarity and certainty, was repeated and discussed. For, after two preparatory meetings, beyond the usual practice, two further preparatory congregations followed, and these were followed by the general congregation, which, on the third day of last December, was convened before our Most Holy Lord Benedict XV. In this, the Most Reverend Cardinal Anthony Vico, the Relator of the cause, having been asked to discuss the following question: - Concerning which miracles does it consist in the case, and to what effect does it pertain? - The Most Reverend Cardinals and Fathers Consultors, each in turn, gave their votes, but with careful consideration and intent, our Most Holy Lord withheld his opinion, as is customary, believing that in such a serious matter, time should be granted for prolonged prayer. But on this most auspicious day, on which the Infant Jesus was adored by the three Magi, after the sacred mysteries had been piously celebrated, our Most Reverend Cardinal Anthony Vico, Bishop of Porto and S. Rufina, Prefect of the Congregation of Sacred Rites and Relator of the cause, was summoned to the Vatican Palace, together with the Reverend Father Angelo Mariani, the General Promoter of the Faith, and myself, the undersigned Secretary, and in their presence, he solemnly declared: "It is established concerning both proposed miracles," namely, "the first, of the instantaneous and perfect cure of Maria Del Pinto from chronic metritis and endometritis, with subsequent hæmatocele, and the restoration of all the strength of the entire body;" and "the second, of the instantaneous and perfect cure of Melania Sevin from a dislocation of



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the..."

[*Latin ed. p. 58*]

Acts of the Apostolic See - Official Commentary 58: "A fracture of the foot and the fibula, accompanied by a severe hemorrhage." This Decree was ordered to be made public and recorded in the acts of the Congregation of Sacred Rites on the eighth of the Ides of January in the year 1919. A. CARD. VICO, Archbishop of Porto and Santa Rufina, Prefect of the Sacred Rites. L. & S. Alexander Verde, Secretary.

III. ROME. The following questions were proposed to the Congregation of Sacred Rites for appropriate resolution:

I. If the Vigil of St. Thomas the Apostle falls on a Feria of the Four Seasons, for which the Office is celebrated with a Mass, should the Gospel of the Vigil be read at the end of Mass?

II. If, on a Feast for which the Office is celebrated with a Mass, both the Feria and the Vigil, or even two Vigils, should occur, of which should the Gospel be read at the end of Mass?

And the Sacred Rites Congregation, having heard the opinion of a special Commission, after mature deliberation, judged that the following should be answered:

To 1. Affirmative, according to the Rubrics and Decrees.

To 2. The Gospel of the one for which the Commemoration was first made should be read at the end. But if this Gospel is the same for the Feast, then the Gospel at the end will be that of the one which is commemorated second, according to Decree No. 3844 of Rome, February 5, 1910.

And thus it was written and declared on January 10, 1919.

A. CARD. VICO, Archbishop of Porto and Santa Rufina, Prefect of the Sacred Rites. L. & S. Alexander Verde, Secretary.

[*Latin ed. p. 59*]

Sacred Roman Rota, Acts of the Tribunals, Sacred Roman Rota, Causes Closed.

In camera, from the month of January until the year 1918, definitive sentences were issued, under seal, concerning only those causes which were concluded during the month of December that followed; the dispositions are as follows:

I. NULLITY OF MARRIAGE, based on the grounds of force and fear. The question proposed: Does the nullity of the marriage in this case exist? The Reverend Fathers, Doctors, S. Many, Ponens, I. Prior, and P. Rossetti, Auditors from Tournon, on the 18th of February, 1918, judged: Negatively. An appeal was interposed against the sentence.

II. NULLITY OF MARRIAGE, based on the grounds of force and fear. The question proposed: Does the nullity of the marriage in this case exist?



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The Reverend Fathers, Doctors, P. Rossetti, Ponens, R. Chimenti, and M. Massimi, Auditors from Tournon, on the 6th of June, 1918, judged: Negatively.

III. NULLITY OF MARRIAGE, based on the grounds of force and fear. The question proposed: Does the nullity of the marriage in this case exist? The Reverend Fathers, Doctors, A. Sincero, Ponens, F. Cattani Amadori, and P. Rossetti, Auditors from Tournon, on the 11th of June, 1918, judged: Negatively.

IV. NULLITY OF MARRIAGE, based on the grounds of the husband's impotence. The question proposed: Is the sentence of the Rota of the 22nd of December, 1913, to be confirmed or overturned in this case? The Reverend Fathers, Doctors, G. Sebastianeiii, Decanus, Ponens, P. Rossetti, and M. Massimi, Auditors from Tournon, on the 4th of July, 1918, judged: To be overturned. An appeal was interposed against the sentence.

V. NULLITY OF MARRIAGE, based on the grounds of force and fear. The question proposed: Does the nullity of the marriage in this case exist? The Reverend Fathers, Doctors, I. Prior, Ponens, A. Sincero, and F. Cattani Amadori, Auditors from Tournon, on the 27th of July, 1918, judged: Affirmatively. An appeal was interposed against the sentence.

[*Latin ed. p. 60*]

Acts of the Apostolic See - Official Commentary 60 VI. NULLITY OF MARRIAGE based on the grounds of lack of consent on the part of the woman. The question proposed: Whether the Royal Decree of January 22, 1914, should be confirmed or rejected in this case? The Most Reverend Fathers, Doctors, Reverend Father Sebastianeiii, Dean, Reverend Father Rossetti, and Reverend Father Massimi, Auditors of Tournon, on July 29, 1918, judged that the Royal Decree should be confirmed. VII. NULLITY OF MARRIAGE based on the grounds of impotence on the part of the man. The question proposed: Whether the marriage is established to be null in this case? The Most Reverend Fathers, Doctors, Reverend Father R. Ghimenti, presiding, Reverend Father Massimi, and Reverend Father I. Grazioli, Auditors of Tournon, on August 16, 1918, judged that it is affirmative. From the Chancery, January 11, 1919. Reverend Father Tani, Notary.

[*Latin ed. p. 61*]

Diary of the Roman Curia 61

## ROMAN CURIA

## SACRED CONGREGATION OF RITES



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## NOTICE OF THE CONGREGATIONS TO BE HELD IN THE YEAR 1919

January 14th. Ordinary Congregation. Preparatory Congregation concerning the virtues of the Venerable Alan of Solminiac.

February 2nd. General Congregation concerning the miracles of the Venerable Louise de Marillac.

February 25th. Antipreparatory Congregation concerning the virtues of the Venerable Bernard Clausi.

March 11th. Ordinary Congregation.

March 18th. General Congregation concerning the miracles of the Blessed Joan of Arc.

April 8th. New Preparatory Congregation concerning the virtues of the Venerable John Nepomucene Neumann.

April 29th. Antipreparatory Congregation concerning the virtues of the Venerable Charles Giacinto of Santa Maria.

May 13th. Ordinary Congregation.

May 27th. New Preparatory Congregation concerning the miracles of the Venerable Theophilus "of Corte."

June 5th. Particular Ordinary Congregation.

June 17th. General Congregation concerning the martyrdom, signs, or miracles of the Venerable Mary Magdalene Fontaine and Mary Clotilde Angela of St. Francis Borgia and Companions, Daughters of Charity and Ursuline nuns of Valenciennes.

July 8th. Preparatory Congregation concerning the martyrdom, signs, or miracles of the Servants of God Matthias Murumba and Companions of Uganda.

July 22nd. Ordinary Congregation.

August 12th. Antipreparatory Congregation concerning the virtues of the Venerable Vincenza Gerosa.

October 28th. Preparatory Congregation concerning the virtues of the Venerable Mary Michelina of the Most Holy Sacrament.

November 1st. Ordinary Congregation.

November 25th. Preparatory Congregation concerning the virtues of the Venerable Bartholomew Dalmonte.

[*Latin ed. p. 62*]

62 Acta Apostolicae Sedis ●- Official Commentary, December 2nd. General Congregation concerning the martyrdom, signs, or miracles of the Venerable Jerome of the Twenty-Four Hours. 9 » Particular Ordinary Congregation. 23 » Preparatory Congregation concerning the virtues of the Venerable Francis of Camporosso. On Tuesday, January 14, 1919, in the Apos-



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tolic Palace at the Vatican, the Ordinary Congregation of the Holy Rites was held, in which, before the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the following matters were presented: 1) The introduction of the Cause of Beatification, that is, the declaration of the martyrdom of the Servant of God Natale Pinot, parish priest of Louroux-Beconnais, in the diocese of Angers, who, as is asserted, was killed there in hatred of the Faith in the year 1794. 2) The introduction of the Cause of Beatification and Canonization of the Servant of God Innocenzo of Berzo, a professed priest of the Order of Friars Minor Capuchin. 3) And concerning the examination of the writings of the Servant of God Gioacchina Vedruna de Mas, Foundress of the Institute of Charity, in the diocese of Vich. On Tuesday, January 28, 1919, in the Apostolic Palace at the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals and with the votes of the Reverend Prelates official and the Reverend Theological Consultors comprising the Holy Congregation of Rites, the Preparatory Congregation was held to discuss the matter concerning the heroic nature of the virtues of the Venerable Servant of God Alan of Solminiac, of the Regular Canons of the Lateran Palace, Bishop of Cahors.

SECRETARY OF STATE APPOINTMENTS: By means of letters from the Secretary of State, the Holy Father deigned to appoint: January 6, 1919. The Reverend Fathers Abbot Arsenio Pellegrini and Father Sofronio Gassisi, of the Minor Basilians of Grottaferrata, as Consultors of the Holy Congregation "Pro Ecclesia Orientali." 27 » » The Most Reverend Cardinal Donato Sbarretti, Protector of the Institute of Charity, of Nazareth.

[*Latin ed. p. 63*]

From the Roman Curial Diary: By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Notaries, as participants: December 22, 1918. Monsignor Giuseppe Alfredo Peltier, of the diocese of Joliette.

Domestic Prelates of His Holiness: October 28, 1918. Monsignor Antonio Tonda, of the diocese of Susa.

December 20th: Monsignor Giuseppe Morrone, of the diocese of Nola.

January 2, 1919: Monsignor Francesco Rossi Stockalper, of Rome.

January 6th: Monsignor Gustavo Couto, of the diocese of Angola.

January 11th: Monsignor Carlo Roseau, of the diocese of Séez.

January 14th: Monsignor Gioacchino Soarez de Oliveira Aloin, of the archdiocese of Rio de Janeiro.

January 15th: Monsignor Emilio Seraglia, of the diocese of Padua.

HONORS: By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: December 22, 1918. To Mr. Giulio van den Heuvel, formerly Extraordinary



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Envoy and Minister Plenipotentiary of Belgium to the Holy See.

January 14, 1919. To Mr. Bonaventura Bianco Viel, formerly Minister of Foreign Affairs in Chile.

January: To Mr. Guglielmo Pereira, formerly Minister of Foreign Affairs in Chile.

The Knighthood of the Order of Saint Gregory the Great, civil class: January 4, 1919. To Mr. Leone Watine, of the diocese of Lille.

January: To Mr. Eugenio Wattinne, of the same diocese.

January 14th: To Mr. Guglielmo Giorgio Emilio d'Artillac Brill, Chargé d'Affaires of the Netherlands in Buenos Aires.

January 22nd: To Mr. Giovanni Enrico Ludovico van Dyk, of the diocese of Bois-le-Duc.

The Grand Cross of the Order of Saint Sylvester: December 31, 1918. To Mr. Count Simone Planas Suarez, Minister of Venezuela to Lisbon.

January 8, 1919. To Mr. Engineer Giuseppe Fernando Sousa, of Lisbon.

[*Latin ed. p. 64*]

Acts of the Apostolic See - Official Commentary 64. The Commendation of the Order of St. Sylvester the Pope: April 10, 1918. To Mr. Eliseo Arbeláez, formerly Secretary of the Legation of Colombia to the Holy See. January 8, 1919. To Mr. Cav. Emilio Ranuzzi, of Rome.

The Knighthood of the Order of St. Sylvester the Pope: January 5, 1919. To Mr. Dr. Giorgio Sidley, of the diocese of Salford.

## HOUSEHOLD OF HIS HOLINESS.

By the tickets of His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

December 28, 1918. Mons. Giuseppe Giuntini, of the archdiocese of Florence.

January 16, 1919. Mons. Agostino Maij, of the diocese of Paderborn.

Mons. Roberto Heddergott, of the same diocese.

Mons. Massimiliano de Berchem, of the archdiocese of Prague.

Mons. Riccardo Hoffmann, of the archdiocese of Munich of Bavaria.

January 19.

Mons. Sebastiano Staudbamer, of the same archdiocese.

January 21.

Mons. Francesco Verquera, of the diocese of Susa.

Honorary Chamberlains in purple of His Holiness:



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December 28, 1918. Mons. Giuseppe Di Girolamo, of Rome.

[*Latin ed. p. 65*]

Year XI - Vol. XI, March 1, 1919, No. 3.

## ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY.

### ACTA BENEDICTI PP. XV.

LETTERS.

I. A PERPETUAL PLENARY INDULGENCE IS GRANTED, TO BE OBTAINED AS OFTEN AS DESIRED, ON THE FEAST DAY OF THE ROYAL SOCIETY, FROM THE SHRINE OF OUR LADY OF THE BELT TO THE CATHEDRAL CHURCH OF DERTHUSEN.

**BENEDICT XV.**

For the perpetual memory of the matter.

It is known that in the city of Dertusen, within the sacristy of the cathedral church, there exists a pious and ancient confraternity, canonically established, called the Confraternity of Our Lady of the Belt, which flourishes exceedingly in number of members and in the devotion of its members, no less than in its charitable works. Citizens of all conditions, from the common people as well as from the nobility, princes, and even the Roman Pontiffs, Our Predecessors, have, over a long series of years, held this Society in the highest esteem; and the Kings of Spain have given it its name.

Now, when the present Prior of the Royal Confraternity of Our Lady of the Belt, with the strong support of the Most Reverend Bishop of Dertusen, humbly presented prayers to Us, so that We might deign to grant a plenary indulgence to the faithful who visit the cathedral church on the aforementioned feast day, We, considering the antiquity and splendor of this Society, have judged it fitting to grant their request, as far as is possible in the Lord.

For this reason, having heard Our beloved son, the Most Reverend Cardinal Penitentiary Major, and, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, We grant to all and each of the faithful, of both sexes, on the aforementioned feast day, the following:

[*Latin ed. p. 66*]

66. The Acts of the Apostolic See – Official Commentary of Our Society of Our Lady of the Holy Belt, namely, every first Sunday of September, to the cathedral church of Derthusense, after having received sacramental confession and having been refreshed with heavenly food, and gathering from midday of the preceding day until midnight of that very Sunday,



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we grant a plenary indulgence, as many times as they visit the chapel of the Blessed Virgin Mary of the Holy Belt, located in the aforementioned cathedral church, and there pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church. Furthermore, we grant to these faithful, if they so desire, the permission to expiate the faults and penalties of their past life with this plenary indulgence. Notwithstanding any contrary circumstances. This is valid for the present and for all future times. XIX. Given in Rome, near the Holy Peter, under the seal of the Fisherman, on the tenth day of December, in the year 1918, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

II. The Church of the Blessed Virgin Mary of the Rock, in the Lugano diocese, is honored with the title and privileges of a minor basilica. BENEDICT XV. For the perpetual memory of this matter. – In Locami, within the boundaries of Lugano; in the diocese, there exists a very famous church dedicated to the Blessed Virgin Mary of the Rock, erected to perpetuate the memory of the apparition of the Virgin Mary to a pious family of Franciscans, in the vigil of the feast of the Assumption of the Blessed Virgin Mary, in the year one thousand four hundred and eighty-nine. This is what tradition reports, supported by clear monuments and miracles. Furthermore, the faithful inhabitants of Ticino rightly attribute the protection of the Blessed Virgin to this place, because they were happily preserved from the heretical plague that nefariously ravaged the Helvetic regions in the fourteenth century; and often, in public or private calamities, they have escaped unharmed thanks to the present help of the Virgin Mary herself. For this reason, the cult of the Blessed Virgin Mary of the Rock has grown daily, and her wooden sculpture, depicting the Child Jesus in her arms, has been redeemed with a golden diadem, first by the Apostolic Legate to the Swiss in the year 1617; and secondly, by a decree of the Vatican Council in the year 1880, namely, the fourth.

[*Latin ed. p. 67*]

The acts of Pope Benedict XV, number 67, mark the centennial of the wondrous apparition of the Virgin Mary. Meanwhile, the small, ancient Marian edifice, altered by the passage of time, has grown so much that, with its bold structure, its towering pillars, and the vastness of its entire mass, and also with its conspicuous works of all kinds of art, and especially painting, this temple, marvelously constructed at Locarno in honor of the Blessed Virgin Mary, stands out above all others. The walls of this temple, adorned with votive tablets, banners, silver trophies, and countless precious offerings, clearly testify to the most benevolent Mother of God, the gratitude offered to the Lord, and the protection accepted by the citizens. Abundantly furnished with sacred furnishings and enriched with privileges and indulgences by the Apostolic See, this temple has been entrusted



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to the care of the Brothers of the Order of the Friars Minor Capuchin; and these, diligently fostering the fervent devotion of the faithful, especially pilgrims, to the Most Blessed Mother of God, zealously perform their ecclesiastical duties there. From past centuries to the present, for the purpose of pious pilgrimage, crowds of Christians often flock to the Marian sanctuary at Locarno, not only from the Ticino region, but also from distant parts of Switzerland, from neighboring Italy, and from other nations, to venerate the image of the Blessed Virgin Mary and to confidently implore her help. We do not consider it necessary to mention that, in his time, the holy Charles Borromeo, Archbishop and Cardinal of Milan, visited this Marian sanctuary at Locarno, which had already been generously enhanced and adorned by the piety of the citizens of Locarno, not once, and that he was so struck with admiration that, with prophetic spirit, he uttered these words: "Let all nations flow to this edifice." Remembering this, and expressing the pious sentiments of the clergy and the people, the venerable Brother Aurelius Bacciarini, titular Bishop of Daulia and Apostolic Administrator of Lugano, urged us to deem it fitting to bestow upon the Locarno temple of the Blessed Virgin Mary the title and privileges of a Minor Basilica; and we were most willing and gladly inclined to grant these requests. Therefore, having heard the Cardinal Prefect of the Congregation of Sacred Rites, by our own free will and with certain knowledge and mature deliberation, and by the fullness of our apostolic power, we declare that the temple of the Blessed Virgin Mary at Locarno, located within the boundaries of the Lugano diocese, is hereby granted, in perpetuity, the title of Minor Basilica, with all the honors and privileges that are rightfully due to the Minor Basilicas of this esteemed city. We decree that these present letters shall always remain firm, valid, and effective, and shall fully and completely produce and obtain their intended effects, and that they shall fully suffice for those to whom they pertain, now and in the future; and that they shall be duly considered.

[*Latin ed. p. 68*]

Acta Apostolicae Sedis - Official Commentary 68, and it is to be considered valid and effective from this announcement, and if, concerning these matters, anyone should attempt to act in any way, knowingly or unknowingly, it shall be rendered null and void. Notwithstanding any contrary provisions. Given in Rome, near the Holy Peter, under the Fisherman's Ring, on the first day of January, 1919, in the fifth year of Our Pontificate. P. GARD. GASPARRI, Secretary of State.

III. THE CHURCH OF THE HOLY VIRGIN URSULA AND HER COMPANIONS, V. AND M., IN THE CITY OF BUENOS AIRES, DECORATED WITH THE TITLE OF BASILICA.

BENEDICT XV. For the perpetual memory of this event.

In the city of Buenos Aires, there exists a temple dedicated to God in



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honor of Saint Ursula and her Companions, virgins and martyrs, which was consecrated in the year 1754 and entrusted to the Order of the Friars Minor, from which it is commonly called the Church of Saint Francis. Among the other sacred buildings of that city, this temple surpasses them in antiquity and in the magnificence of its structure, as well as in the notable works of painting and sculpture, so that it is considered a renowned monument of history, which deserves to be admired even by those who visit it from abroad.

In the year 1911, through the generous contributions of the pious couple, Saints Muzé and Carola Vivar de Muzé, recently deceased, the aforementioned sacred building was magnificently embellished with the most beautiful ornaments of all kinds, so that it is now considered the principal church of the city of Buenos Aires.

In addition to the Order of the Friars Minor, who left behind an impeccable reputation through their benefactions and their lives lived as an example, the mortal remains of distinguished men are also hidden there in a magnificent sarcophagus, with a commemorative plaque displayed in the church, men who, having diligently fulfilled their public and civil duties, are rightly considered among the most outstanding citizens of the Republic of Argentina.

Furthermore, due to the devotion and constant attendance of the faithful people, and the frequent and numerous gatherings, this sacred building stands among the most important churches of the city.

Indeed, the Franciscan Friars, diligently dedicated to the sacred offices there, show a singular zeal for the splendor of the divine cult, and numerous Confraternities and Sodalities, under various names, as well as Associations and Pious Unions, are legitimately established in that church, especially the lay Congregation of the Third Order of Saint Francis, in which five hundred men and one thousand three hundred women are enrolled. All these institutions and societies enjoy privileges.

[*Latin ed. p. 69*]

The acts of Pope Benedict XV, number 69, abundantly grant indulgences, which had been generously bestowed upon it by this Holy See. Furthermore, the aforementioned church, which had long ago been incorporated into the Archbasilica of the Lateran, was not only filled with abundant and rich furnishings, but especially with a treasury of sacred relics, among which some of the most notable were enclosed in precious reliquaries, which the faithful venerated with great piety when publicly displayed. Given these circumstances, when the present Superior of the Franciscan Province of the Most Holy Virgin Mary Assumed into Heaven, expressing his sentiments, and also the brothers of the monastery of Bonaë, earnestly implored us, that we might deem it fitting to elevate the aforementioned church, dedicated to Saint Ursula and to the holy virgins and martyrs,



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to the dignity of a Basilica; we, recalling the glorious memories of that church, considered it fitting, as far as in the Lord is possible, to accede to these prayers. Therefore, having heard the venerable brother, Our Most Reverend Cardinal, Prefect of the Congregation of Sacred Rites, and having especially considered the recommendation of both the Archbishop of Bonaë and the General Procurator of the Order of Friars Minor, we, with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, by the tenor of these presents, solemnly bestow upon the church of the Holy Virgins and Martyrs Ursula and her companions of Bonaë, the title of Basilica, with the privilege of carrying the tintinnabulum and the conopeum, to which it is permitted to add the coat of arms of the church itself, although not adorned with gold or silver. We decree that these presents shall always remain valid and effective, and shall have their full and complete effect; and that those to whom they pertain shall fully support them now and in the future, and that it shall be rightly judged and determined, and that from this moment it shall be declared void and null if anything contrary to these should be attempted by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the eighth day of January, 1946, in the fifth year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis - Official Commentary on the LETTER to the Most Reverend Father HIMER, General of the LA SALLE Brothers, founded by Saint John Baptist de La Salle, who departed this life for the glory of God.

Beloved sons, greetings and apostolic blessing.

As another century draws to a close since the blessed death of your Founder, we cannot but celebrate the memory of so great a man, for his outstanding merits to the Church; all the more so, because he followed a method to remedy a grave problem of his time, a method which is still remarkably relevant today. For having observed that the people, and especially the lower classes, were immersed in profound ignorance concerning matters pertaining to religion, he resolved to establish an institution for children from the humblest of families, intending to instruct them in the rudiments of learning, while simultaneously instilling in them the precepts of Christian life. And the most excellent results achieved by him in this endeavor, especially from the fact that he attracted associates and helpers to this work and labor, are undoubtedly a testament to the fact that this society was founded, by the providence of God, for the good of the Holy Church.

Now, it is truly astonishing how widely the Christian spirit is desired in the education of youth, while at the same time, many strive with great effort to separate schools from the protection of the Church, and to introduce



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into them a secular discipline, which they call "modern," where there is nothing that promotes religion. Thus, what ought to be a home of virtues is transformed into a den of vices. For, with the fear of the Lord removed, which is the beginning of wisdom, what now restrains the heedless youth from following every impulse and the desires of their passions? Therefore, it is clear how much the common good is served by those who, as you do, form our young people, the hope of the future, in Christian institutions and morals. Therefore, we give thanks to God with you, whose benevolence has led to such joyful advancements; and we hope that, from this commemoration of your Founder, you will persevere with renewed zeal in serving the Church and society.

For this reason, in order to obtain the heavenly assistance you desire, we freely grant that, on the blessed day of April 7th of the coming year, all priests among you who celebrate the sacred mysteries, and all members and students of your institute who are present, may receive a plenary indulgence, under the usual conditions. And may divine mercy—

[*Latin ed. p. 71*]

The Acts of Pope Benedict XV, and a testament to Our paternal benevolence, We impart to you, beloved son, and to your entire society, Our apostolic blessing most affectionately. Given in Rome, at St. Peter's, on the twenty-seventh day of the month of January, in the fifth year of Our Pontificate. BENEDICT XV.

TO REVEREND FATHER THOMAS, THEOLOGIAN, OF THE ORDER OF ST. THOMAS, IN FRANCE, WHO HAD PUBLISHED AN EXPLANATION OF THE *SUMMA*.

Beloved son, greetings and Our apostolic blessing.

The illustrious reputation of St. Thomas Aquinas leaves no Catholic in doubt that he was divinely inspired, so that the Church might have him as the most excellent master of doctrine for all time. Indeed, his singular wisdom seemed to be accessible not only to the sacred clergy, but to all who cultivate a deeper study of religion, and even to the multitude, for it is the nature of things that the closer one approaches the light, the more abundantly one is illuminated. Therefore, you are to be commended for having undertaken, when you had begun to interpret the works of the Angelic Doctor, especially the *Summa Theologica*, with literal commentaries in French—and the volumes published thus far demonstrate that this endeavor is succeeding—to publish, recently, an explanation of it in the form of a catechism. Thus, you have adapted the riches of this great genius so aptly to the needs of the less learned, as well as to the more learned, presenting all things briefly and clearly, with the same perspicuity of order as he himself had expounded them more copiously. We congratulate you on the fruit of this long labor and study, in which one may recognize a great knowledge and science of Thomistic discipline; and We hope that what you



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have undertaken, out of love for the Holy Church, will be of great benefit to many in understanding the Christian doctrine. And as a testament to the divine gifts and Our special benevolence, We impart to you, beloved son, and to your disciples, Our apostolic blessing most affectionately. Given in Rome, at St. Peter's, in the fifth year of Our Pontificate, on the fifth day of the month of February. BENEDICT XV.

[*Latin ed. p. 72*]

Acta Apostolicae Sedis - Official Commentary

ACTA of the HOLY CONGREGATIONS

## SUPREME HOLY CONGREGATION OF THE HOLY OFFICE

Ernestus Buonaiuti, by decree of the HOLY OFFICE of November 1, 1918, whereby the works written by him, entitled "La genesi della dottrina agostiniana intorno al peccato originale" and "S. Agostino," were condemned and placed in the Index of Prohibited Books, submitted himself and approved of the condemnation of the works.

Given in Rome, from the offices of the HOLY OFFICE, on February 10, 1919.

A. Castellano, Notary of the HOLY ROTAL and SUPREME SECRETARIAT.

## SACRED CONSISTORIAL CONGREGATION I

DECREE CONCERNING THE CELEBRATION OF SYNODS AND APPELLATIONS IN the REGIONS of ITALY

It has been noted by many sacred prelates that difficulties impede the celebration of provincial synods in many regions of ITALY: indeed, with the passage of time, both ethnographic reasons and political upheavals have completely altered the ecclesiastical divisions of dioceses and provinces; hence, it has come to pass that from some metropolitan sees, other suffragan sees have been separated, while others have retained one or the other.

From this, it is evident that the aforementioned gatherings of bishops in the aforementioned places cannot possess that importance, nor that solemnity, which would befit them, nor can the Church obtain what it desires, namely, that they be constituted by the councils and authority of many prelates, gathered in the name of God, so that they may establish what is more useful for the glory of God Himself and for the good of the faithful, and what is more suitable for their use.

[*Latin ed. p. 73*]

The Most Holy Congregation of the Consistory, having heard the Bishops throughout Italy and with the consent of the Most Reverend Fathers,



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the Prelates of the Most Holy Congregation of the Consistory, Pope Benedict XV, in order to effectively address such difficulties, has decreed the following:

I. While the provincial councils remain in force according to the law for the provinces of Venice, Milan, Vercelli, Turin, and Genoa; and while the metropolitan rights of the Roman Pontiff remain in the Roman province according to the sacred canons; in the remaining regions of Italy, in place of the provincial councils, plenary councils shall be held every twenty years, as prescribed by canon 283 of the Code. Furthermore, in each of these regions, a plenary council shall also be held every year, according to canons 281, 282, 287, and following, in accordance with the prescriptions of this decree.

II. The regions in which plenary regional councils shall be held, in place of the provincial councils, are the following, the names of which, for clearer indication, are given in the vernacular: Emilia, Romagna, Tuscany, Umbria, Marche, Abruzzi and Molise, Benevento, Campania, Salerno, Basilicata, Apulia, Calabria, Sicily, and Sardinia; which dioceses are to be considered as belonging to each of these regions for the purpose of holding the councils will be defined by a special decree.

III. For the dioceses of Latium (as this name is now commonly used), His Holiness reserves to Himself the right to make special provisions.

IV. In the gatherings of Bishops, commonly called Conferences, which are to be held every five years according to canon 292 of the Code, and which are already held in Italy by regions, the one who presides will, in his first subsequent term, and likewise in all subsequent gatherings before the twenty years are completed, propose to the Fathers for discussion when the first regional plenary council should and can be held; and then, according to canon 281, he will request the Supreme Pontiff to be pleased to designate his legate to convene the council and to preside over it.

V. All that has been established above, concerning the holding of regional plenary councils, in no way detracts from, nor should it be understood to detract from, the prescription of canon 285 concerning appeals from judgments of the first instance to the tribunal of the second instance. However, it is permitted to the Bishops who are immediately subject to the Apostolic See to choose an Archbishop who is closer to them, even if he does not belong to their own province, for appeals; and likewise, to these Archbishops to designate a neighboring Ordinary for appeals, whom they deem most suitable.

VI. In this matter, since it has been requested by many of the Bishops of the Roman province that a special tribunal of the second instance be



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established in Rome for their dioceses...

[*Latin ed. p. 74*]

Acts of the Apostolic See - Official Commentary 74, for reasons deemed sufficient, the Most Holy Father decided to grant the petition, and by the present decree, He assigns to the Tribunal of the Vicariate of Rome, always reserving the right of appeal to the Roman Sacred Tribunal, if and when it may be deemed appropriate, the matter in question. The foregoing is valid notwithstanding any contrary provisions whatsoever. Given in Rome, from the Secretariat of the Sacred Congregation Consistorial, on the 15th of February, 1919. £ß C. CARD. DE LAI, Bishop of Sabina, Secretary. L.^S. f V. Sardi, Archbishop of Caesarea, Assessor.

II. DECREE CONCERNING THE CESSATION OF CERTAIN FACULTIES GRANTED TO PRIESTS DURING THE WAR.

Since the cruel war, which for many years has drenched Europe in blood, has, by the merciful grace of God, finally come to an end, it is necessary that, with the cessation of the cause, the extraordinary faculties also be restricted which were granted to priests serving with military forces, for their own good and that of the soldiers. In order that, in a matter so important, there may be no room for distress or ambiguity, His Holiness, Pope Benedict XV, deemed it expedient to determine as quickly as possible which of the aforementioned faculties should be considered to have ceased. Therefore, by order of His Holiness, it is declared that the following faculties, granted to priests as mentioned above, have ceased to exist:

1. The power to grant absolution in certain cases to soldiers, using the general formula, or common absolution, without prior confession;

2. The power to absolve from all censures and reserved cases;

3. The power to celebrate Mass in any place, even outdoors, provided that the danger of irreverence is avoided;

4. The power to celebrate the Sacred Mysteries twice in a day, even one hour after midday, and in extraordinary cases, or without observing the fast;

5. The power to read votive Masses in place of those prescribed by the rubrics;

6. The power to reserve the Most Holy Sacrament in warships and in military hospitals.

[*Latin ed. p. 75*]

The Sacred Congregation Consistorial [75, 7)] grants permission to bless with a single sign of the Cross, crowns, crosses, and medals, along with the application of indulgences; [8)] to dispense oneself from the recitation of the Divine Office, and likewise to change the same Office into other pious prayers. With these exceptions, all other matters pertaining to the



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jurisdiction of the Ordinary of Castrum shall remain in force, as long as their ministry continues and is observed, all things being kept intact. However, it shall be the duty of the Ordinaries of Castrum to ensure that all that pertains to the observance of the sacred liturgy, especially in the celebration of the Mass, is strictly and completely observed by the priests who are still subject to them. It shall likewise be the duty of all Ordinaries to ensure that priests who have returned to the diocese from military service return to the perfect and complete observance of the sacred rites. Given in Rome, from the Secretariat of the Sacred Congregation Consistorial, on the 22nd of February, 1919.

[Signature] C. CARD. DE LAI, Bishop of Sabina, Secretary. [Signature] L. © S. f V. Sardi, Archbishop of Caesarea, Assessor.

## III. CONCERNING THE APPOINTMENT OF DIOCESAN ADMINISTRATORS.

Since the Apostolic Delegate in the United States of America had proposed the following questions for clarification: 1) Whether the particular provisions of the Plenary Council of Baltimore, concerning the right to appoint an administrator of the diocese when the see is vacant, are still in force; or whether they have been abrogated by the new Code; And inasmuch as the answer is negative to the first part: 2) Whether the prescription of Canon 427 is to be observed. The Fathers entrusted with interpreting the Code, on the 24th of November, 1918, responded:

To I, negatively to the first part; affirmatively to the second. To II, affirmatively, and with the following understanding: "As long as special circumstances here and now prevent the application of Canon 427 in that region, the Sacred Congregation Consistorial shall provide appropriate instructions, to be observed for the time being."

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis - An Official Commentary, entirely removing from Bishops the right to nominate an administrator of the diocese "due to death." His Most Holy Lord approved and confirmed the resolutions of the Commission of the Code. However, concerning the report of the Cardinal Secretary of the Sacred Congregation Consistorial, considering the particular circumstances in which the Churches of the Federated States of America find themselves, the same Holiness decided and decreed that, in all dioceses in which there are not at least five or six diocesan Consultors, the Archbishop or the senior Bishop of the ecclesiastical province may, with the approval of the Apostolic Delegate, provide for the nomination of a diocesan administrator during the vacancy of the see. This shall be done for a period of three years, provided that in the meantime the group of Consultors has not been increased to the number indicated above. Given



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in Rome, from the Secretariat of the Sacred Congregation Consistorial, on the 22nd of February, 1919. C. CARD. DE LAI, E p. Sabinen., Secretary. L. © S. f V. Sardi, Archbishop of Caesarea, Advisor.

IV. PROVISION FOR THE CHURCH. By decree of the Sacred Congregation Consistorial, His Most Holy Lord, Benedict XV, provided for the following Church: 14th of February, 1919. — He appointed the Reverend Father, Doctor Francis Isola, hitherto Bishop of Concordia, as the titular bishop of the Adrianopolitan see.

V. NOMINATION. 14th of February, 1919. — At the request of the Reverend Father, Doctor Joseph Morabito, Bishop of Miletus, His Most Holy Lord, Benedict XV, by decree of the Sacred Congregation Consistorial, appointed the Reverend Father, Paul Albera, Bishop of Bova, as the Apostolic Administrator of the Church of Miletus, due to the infirmity of the Bishop.

[*Latin ed. p. 77*]

The Holy Congregation of the Council. SACRED CONGREGATION 77 OF THE COUNCIL I. DECREE REVOKED. CONCERNING THE PROVISION OF OFFICES AND BENEFICES DURING THE WAR. Since, with the cessation of the war, many clerics who were bound to military service have already been discharged and returned to their own dioceses and sees, and the rest will soon be returning to them, it is fitting that, given the changed circumstances, the decree of this Holy Congregation of the Council, dated November 14, 1916, concerning the provision of offices and benefices, cease to exercise its force and power. Therefore, it is revoked, as is decreed and declared by these present letters, and it is no longer in force: and accordingly, Ordinaries are restored to their faculties of conferring the same offices and benefices, with the observance, however, of those things which must be observed by law, and especially the canons 147-182 and 1431-1447 of the Code of Canon Law, and with due regard to the Instruction issued by the Sacred Congregation of the Consistory, dated October 25, 1918, concerning clerics returning from military service. Given at Rome, from the Secretariat of the same Holy Congregation of the Council, on February 26, 1919. F. CARD. CASSETTA, Prefect. L.-HB S. I. MORI, Secretary.

[*Latin ed. p. 78*]

Acta Apostolicae Sedis - Commentarium Officiale 78 II GERUNDEN. CONCERNING THE TYPES OF FOUNDATIONS OF BENEFICES. - The Bishop of Gerunden, with the following letter, H. S. C., proposed three questions to be resolved: "Some priests, striving to establish an ecclesiastical benefice or to increase the endowments of an existing benefice, request that the endowments thus added be conferred with a new endowment for themselves, and that they receive all the revenues, which they attempt to justify under the guise of ensuring the benefice's future. However, they are unwilling to fulfill the obligations of the benefice, which must be per-



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formed for the benefit of the Church, even the parish, where the benefice was established, claiming that they, as the original recipients, are exempt from these obligations from the very beginning; and thus, they record this in the foundation documents or in the documents of the endowment's increase. Furthermore, while they are unwilling to bear the burdens of the benefice, even the slightest ones, yet they insist on the right to participate in the functions of their church, whether established or newly founded, and to receive the stipends assigned for these functions. Therefore, in order to proceed more safely in this matter, the Reverend Bishop humbly requests a resolution to the following three questions: 1. Whether it is permissible to include a clause in the foundation documents of a benefice, by virtue of which the first recipient is exempt from the obligations properly associated with the benefice, even when these obligations pertain to the needs of a particular parish or of the faithful people. And to this, an affirmative answer. 2. Whether the first recipient of a benefice, while not fulfilling the obligations, has the right to participate in the functions of his church, whether established or newly founded, and to receive the stipend for these functions. And to this, a negative answer. 3. Whether clauses of the opposite nature, previously added to the foundation documents and approved by the Ordinaries, can be maintained." 9 (from the opinion of the Consultant). - Since the matter under consideration is now resolved by the newly published Code, and considering the time when, with the end of the legislative recess, the Code obtained its full binding force, it must be considered both with respect to the new Code, especially in the case of new foundations, and with respect to the previous law, particularly regarding OBSERVATIONS.

[*Latin ed. p. 79*]

8. The Congregation of Councils has decreed that benefices already established under the previous law remain so. However, it is necessary to carefully distinguish, in both cases, between the true foundation of a benefice that does not yet exist, and the augmentation of the endowment offered for a benefice that is already established. Regarding benefices to be founded in the future, any condition whatsoever that reserves the right of patronage to the founder must be entirely excluded, although the founder may be granted suffrage in proportion to his generosity (canon 1459). With this exclusion, the other considerations must be examined, both concerning benefices already established and those to be founded, paying first attention to the foundation of the benefice, and then to the augmentation of the endowment.

Concerning the foundation of a benefice, it is understood in law that, when establishing the law for the foundation of a benefice, the will of the founder should carry great weight, so that they may be encouraged and not deterred from establishing such benefices. The erection of benefices benefits the Church; indeed, it aims to increase divine worship and the



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honor of the Church, both through new acts of divine worship that the beneficiary is obligated to perform, and also because the goods offered for this purpose are dedicated to God and, as it were, become sacred and spiritual. These advantages are the reason why it is permitted for founders to include conditions in the foundation documents that are contrary to common law (Barbosa, *De episc*, p. Iii, alleg. 71, n. 39; Lotterius, *De benefic*, lib. 1, q. 32, num. 14 sq.; De Luca, *De benefic*, disc. 95, num. 10).

This faculty of admitting conditions, even those contrary to common law, has been explicitly granted to Bishops by the Code, canon 1417, but this is limited by the condition that the conditions must be honest and not repugnant to the nature of the benefice. Furthermore, this limitation also applied to the previous law, where, likewise, impossible or contradictory conditions, disgraceful conditions, and conditions contrary to the substance of the benefice were excluded; for he who devises a law contrary to the substance of the benefice, in effect destroys what he intends, as if the beneficiary were obligated to cede to another everything he receives from the benefice (Lotterius, *l.c.*, num. 26 sq.).

However, in the present case, the condition that the founder should receive the benefice first, which he has founded, is not a disgraceful condition nor one repugnant to the nature of the benefice, as is evident. The speaker seems to have feared that, under this condition, simony might be involved, perhaps referring to Benedict XIV in *Institut, canonie*, num. 95, and the resolution of this Sacred Congregation in the case of *Alexandrina, Augmenti dotis*, dated 1686, which was reported by the same. However, this fear is unfounded; indeed, in that place, Benedict XIV expressly defends the contrary, relying on the authority of Pitonius; nor does the *Alexandrina* case apply to this matter, as Benedict XIV rightly points out, because in that case, it was not the founder, but another cleric, who was involved.

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis - Commentarium Officiale. It is understood that he who desires to obtain a benefice already founded, and who offers an augmentation to the endowment, does not address himself to the Bishop, but to the patrons, entering into an agreement with them, so that they may present themselves in consideration of the promised augmentation of the endowment; in this matter, by offering temporal goods, he intends to obligate the patrons to present him, to which agreement a flaw similar to simony rightly seems to adhere. But in the case, as Benedict XIV himself points out in the distinction, we are dealing with a condition imposed by the founder himself and accepted by the Bishop, so that he may have the benefice for the first time; the goods, however, are offered to the Church, so that they may serve the Church perpetually for the increase of divine worship through the benefice which is supported by those goods. And it would indeed be surprising if a flaw similar to simony were present in this



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matter, which the new Code affirms as valid, although it wishes to abolish the right of patronage in the future. Thus it is stated in canon 1450, § 2: "The Ordinary can admit a foundation of a benefice with the condition that the benefice be conferred for the first time upon the founder or another cleric designated by the founder." Secondly, it is indeed contrary to the law if the one who receives the benefice does not fulfill the obligations attached to the benefice, as is manifest: for the benefice is given for the sake of the office; but that a designated person, for example, the founder himself, who is also the first recipient of the benefice, is not bound to fulfill the obligations of the benefice, is not a scandalous condition nor contrary to the nature of the benefice, and therefore it can be stipulated by the founder in the foundation document, even against the law (canon 1417). Certainly, it does not contradict the nature of the benefice if the one who receives the benefice is released from the obligations attached to it by dispensation, for example, if a canon is dispensed for a time from the law of residence and choral office, while nevertheless receiving the fruits of the benefice; such a dispensation, if it were to contradict the nature of the benefice, could not be granted. Furthermore, it has often been permitted that the founder reserve a pension from the goods offered for the foundation, even though he fulfills no obligation attached to the benefice; this reservation of a pension is expressly recognized by the Code, canon 1455, no. 2. Moreover, the founder is recognized as having the power to impose a condition at the very beginning of the foundation, so that even a child may be presented for it, who, of course, until he reaches a suitable age, will not be able to fulfill the obligations of the benefice (Pargna, De iure patronatus, Pars II, canon 27, caus. III, n. 31, 40; Lotterius, De re benefic, lib. I, q. 32, n. 17, 19, 34 sq.; Barbosa, Ad Concil. Trid., sess. 25, c. 6, num. 7, de reformat). And these things are all the more true in the case in which we are dealing with a chaplaincy for the celebration of Masses, which the founder can reasonably wish to be applied to him only after his death, and therefore he can wish that he himself, as the first recipient of the benefice, should not be obliged to celebrate Masses for himself.

[*Latin ed. p. 81*]

81. Sancta Congregatio. Deinde, inquantum ad ipsum ministerium Ecclesiae praestitum per Missam in ea celebratam, fundator potest volere ut illud ministerium non praestetur nisi post mortem eius; in hoc casu nulla est differentia cum eo in quo testator relinquit bona, ut ex illis fundetur capellania sed non nisi post mortem filii. De facto, in hoc casu, nihil aliud fit nisi fundari capellaniam, sed cum reservatione fructuum usque ad mortem fundatoris. Quae reservatio potest omnino honeste fieri, et Ecclesia, licet non immediate, durante vita fundatoris qui primus obtinet beneficium, sed utique postea, et quidem perpetuo, obtinebit magnum commodum augmenti cultus divini ratione beneficii in ea perpetuo fundati. Ergo, omnia considerata,



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non est, cur non possit fundator hanc conditionem apponere. Relatum ad tertium punctum, seu ad participationem fundatoris in emolumentis adventitiis, velut in funebribus aliisque similibus, profecto, si fundator ecclesiae in beneficio a se fundato serviret, nulla esset ratio cur ea participatio fundatori denegaretur; ut enim in iis emolumentis partem habeant prae ceteris clerici servitio ecclesiae addicti, ratio est hoc ipsum servitium ecclesiae praestitum; quae ratio quidem in hypothesi servitii non praestiti locum non habet. Aliter tamen negari non potest, quod fundator, prima vice beneficium a se fundatum obtinens, licet servitium ipse ecclesiae non praestet, habendus tamen sit ut ecclesiae benefactor, cui, relinquens beneficium a se fundatum, perpetua ratione in augmentum cultus divini contribuit et perpetuo sustentat beneficiatum, qui ad participationem adventitiorum admittetur. Qua ex ratione, admissio fundatoris ad participationem adventitiorum coniuncta cum servitio propter quod adventitia obtinentur, licet debita non dicatur, tamen vere dici potest. Iam vero, antequam Episcopus fundationem oblatam acceptet, debet vocare interesse habentes, prout in casu sunt ceteri beneficiati ecclesiae, iisque auditis debet ponderare, utrum detrimentum quod patiuntur ceteri beneficiati in eo quod fundator admittatur ad funera, ad anniversaria ceterasque functiones, compensetur sufficienter per augmentum perpetuum cultus divini obtentum in fundatione novi beneficii; si ita iudicet, potest Ordinarius pro suo iure fundationem etiam cum illa conditione acceptare. Concludendum igitur est, si in limine fundationis admissa est illa conditio, quod fundator admittatur ad funera, anniversaria ceterasque functiones, unde emolumenta adventitia percipiuntur, hanc conditionem valere ac sancte servandam esse. Episcopum tamen esse liberum in reiicienda illa conditione, quae praetendatur apponi in lege fundationis, si existimet inde tale detrimentum obvenire ecclesiae ceterisque eiusdem.

[*Latin ed. p. 82*]

Acts of the Apostolic See - Official Commentary concerning the beneficial augmentation of divine worship through the foundation of a new benefice, which should not be compensated for equally. II. Concerning the case of the augmentation of the endowment. The established law regarding this matter was that the right of patronage was not acquired, nor did the benefactor become a patron, but only a benefactor of the church, and was called one who granted new revenues to a church already sufficiently endowed, even if these revenues were greater than those originally assigned for a sufficient endowment; for patrons became such, not because of the quantity of the thing given, but because they were the first to bring the church or benefice to a state of being sufficiently endowed or supported. However, if the originally given endowment were entirely lost, then the former patron would lose the right of patronage, which was acquired by him who newly and sufficiently endowed the benefice (Reiffenstuel, lib.



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III, tit. 38, n. 9; Pirhing, h. t., n. 9; Fagnanus, in cap. "Quoniam", 3, h. t, n. 59, in cap. "cum propter", 27, h. t., num. 67; Lambertini, De iure patron., lib. I, part. I, quaestio 5, art. 12). It was indeed admitted that the right of patronage could be acquired on the occasion of the augmentation of the endowment, provided that at least half of the endowment is constituted; but it was established in this case that the right of patronage was held by Apostolic Indult, for which obtaining the augmentation of the endowment was the motivating or impelling cause (Garcia, De benefic, part. 5, cap. 9, n. 127; Lotterius, De re benefic, lib. I l, qu. 7). Therefore, it follows that, solely by the authority of the Bishop, admitting the augmentation of the endowment, the right of patronage could not have been transferred to the one augmenting the endowment, even by half of the endowment. Therefore, if doubts are proposed to the Bishop of Garz, they must also be understood in the case of an augmentation of the endowment, and not of a new foundation; and if this circumstance, which is placed by the Orator in the prayers, is omitted in the formula of the doubts, then a prejudicial negative answer must be given to all doubts concerning benefices, in which, in the future, rights are intended to be acquired through the augmentation of the endowment, which are granted to the founders. However, with regard to benefices restored to life in the past through an augmentation of the endowment, since we cannot know the circumstances of each benefice, and whether in each case the Apostolic approval intervened, it will be necessary to refer to each case individually: for those which have been admitted and approved by previous Bishops should be considered as rightly done and approved, unless the contrary has been proven in a particular case. - On July 13, 1918, the Sacred Congregation of the Council, in the plenary assemblies of the Most Reverend Fathers, held in the Vatican Palace, decided to answer the proposed doubts: RESOLUTION. To I. Affirmative.

[*Latin ed. p. 83*]

83 To the I.T. [It is to be granted], provided that nothing obstructs from the part of those who have an interest. To the III. [Provision is made] in the foregoing. Concerning the aforementioned matters, the Most Holy Lord, Our Benedict, Divine Providence, Pope XV, through the undersigned Secretary, in an audience on the following day, deigned to approve and confirm the resolutions of the Most Holy Fathers. I. SACRA MORI, Secretary. CONGREGATION OF RITES, BRIXIA. DECREE CONCERNING THE INTRODUCTION OF THE VENERABLE SERVANT OF GOD, FATHER INNOCENT OF FRANCIS, OF THE ORDER OF MINOR FRATERS CAPUCHIN, INTO THE CAUSE OF BEATIFICATION. In the town of Niardo, in the Camonica Valley, within the boundaries of the diocese of Brixia, on the 19th of March in the year 1844, the Servant of God, Innocent of Francis, a professed priest of the Order of Minor Friars Capuchin, was born to pious and honest parents, Peter Scalvinoni and Francisca Poli. The name John



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was given to the infant at the sacred font, and his birth brought brief joy to the family, which was soon turned to mourning due to the untimely death of his father. From then on, the mother undertook the care of raising the boy, who, having observed the excellent character of her son, strove to instill in him a love of piety and good morals. Obedience and reverence towards his mother shone forth in him, as did abstinence from childish games, frequent attendance at the temple, prayer, and a singular humanity and mercy towards the poor, whom he often assisted with food and clothing. The Bishop of Brixia, Verzeri, having seen and heard him, captivated by his virtue, entrusted him, as a boy full of hope, to the care of a parish priest. John, returning with his mother, diligently applied himself to the rudiments of letters, in which he displayed a particular aptitude and intelligence, well-suited for higher studies. Therefore, with the care of his mother, he was sent to the Lueren Seminary, where the President and other superiors testify that he excelled among the students and fellow students in virtue and study. Good.

[*Latin ed. p. 84*]

84 Acta Apostolicae Sedis - Commentarium Officiale: Thus, the seed so sown began to bear fruit for the ecclesiastical vocation, with God's help. He himself requested to be transferred from the lay college to the seminary for clerics. Having made this request, in November of 1861, he entered the seminary of Brixiensi, where, shining with the observance of discipline and the splendor of virtues, he diligently studied theological and canonical sciences, as can be gathered from the records of that same seminary. In the year 1867, having been ordained to the priesthood, he was assigned by his Superiors as an assistant to the parish priest of Cevi; and, although young in age and new to the ministry, he nevertheless, like a priest already advanced and mature, performed the duties of the office for two years. This work of assistance, which he interrupted for a year to fulfill the office of vice-rector in the seminary of Brixiensi entrusted to him, he resumed and performed with the same zeal and diligence for four years in the parish of Bertii, where he left a pleasing and lasting memory and the desire for his return to all. John, having left Bertii, frequently visited the Capuchin monastery located on the opposite mountain and the church within it, called the Annunciation of Borno, both by its title and by the nearby town of Borno. From this, he gradually felt a certain inner voice calling him to embrace a state of life more perfect within that religious order, and he simply and candidly revealed this to his Superiors. These, grieved to lose such a valuable minister to the Church, so precious to the diocese of Brixiensi, raised several objections. But John, firm and steadfast in his purpose, overcame these difficulties and obstacles, and, following his religious vocation, in April of the year 1874, he was received into the novitiate by the aforementioned Capuchin Fathers in their monastery. After



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successfully completing this period and after three years, on May 2nd of the year 1878, he solemnly professed his vows. In the world, John; in religion, Innocent, he made his home in the aforementioned place and monastery, although he spent a short time in Mediolani and Crema. A disciple and son of the Seraphic Father, he always preferred the more humble offices. He willingly and properly accepted and performed the duties of vice-prefect of the novices and teacher of grammar for the students of the Order; inspiring in both a constant love of sanctity of life and purity of morals, with perfect faith and ardent love for Christ crucified and the most Holy Virgin. Furthermore, at the request of his Superiors, he assisted the parish priests in the neighboring towns with his work and preaching, hearing confessions and evangelizing the poor, according to the manner preferred by the Franciscan Family. The austerity of his life was quite singular. His piety was wonderfully evident to his confreres and to outsiders, both through the Stations of the Cross, which he often repeated several times a day, and through the observance of the rites in the Office and the Mass, and through the adoration of the Most Holy Sacrament, and through the frequent recitation of Marian prayers before the altar of the Blessed Virgin Mary. A truly devoted son and minister of the Holy Church,

[*Latin ed. p. 85*]

The Holy Congregation of Rites held her in the highest esteem, calling her a teacher, a queen, a mother, and a work of God. For her sake, as for the Roman Pontiff, she was accustomed to offer fervent prayers to God the Most High, especially in those times of turmoil, firmly confident in the promises of the divine Redeemer and Founder: "The gates of hell shall not prevail against it." At the end of the year 1889, she preached the sacred exercises to the religious Capuchins of the Milanese family. Later, she was sent to Albano Laziale, among her own religious, and continued the same ministry, although it was interrupted by a serious illness that afflicted her. Immediately taken to Bergamo, so that she might be cared for in that Capuchin monastery, her illness worsened, and, strengthened by the sacraments of the Church, she peacefully departed in the Lord on the third of March in the year 1890. After the funeral, which was properly performed according to the custom of the Order, her body was buried in that place. Later, after about seven months, on September 29th, it was transferred to Berti, and there, according to the wishes of Bertia, she rests in peace. Meanwhile, the fame of the sanctity of the Servant of God, both in life and after death, grew more and more. An Ordinary Informative Process was completed and concluded in the ecclesiastical court of Brescia, and it was sent to the Holy Congregation of Rites in Rome. At the urging of the Reverend Father Raphael a Vallefinaria, the general promoter of the Order of the Minor Capuchins, and with the attentive letters of certain Emmerich Cardinals, several Roman archbishops and bishops, as well as the Chapter



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of the Cathedral Church of Brescia, and of the parish priests and religious families in the diocese of Brescia and other neighboring places, and also of the municipalities and distinguished men and families of Camunia Vallis, and after the writings of the Servant of God had been investigated and examined, and nothing hindered the proceeding further, the Eminence and Reverend Cardinal Januarius Granito Pignattelli di Belmonte, Bishop of Albano Laziale and the Promoter or Relator of this Cause, convened a meeting of the Ordinary Congregation of Sacred Rites at the Vatican on the designated day, and proposed the following question for discussion: Should a Commission for the Introduction of the Cause be appointed in this case and for the purpose in question? And the Eminences and Reverend Fathers presiding over the sacred rites, after the report of the Eminence, and after hearing the Reverend Father Angelo Mariani, the general promoter of the Faith, having carefully considered all things, they judged that: A Commission for the Introduction of the Cause should be appointed, if it pleases the Most Holy. On January 14, 1919. After all of this had been reported to the Most Holy Pope Benedict XV by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, His Holiness approved the decree of the same Sacred Congregation and deigned to sign the Commission for the Introduction with his own hand.

[*Latin ed. p. 86*]

86 Acta, Apostolicae Sedis - Commentary on the Official Proceedings of the Cause of Beatification and Canonization of the Servant of God, Innocent of Bertio, a professed priest of the Order of the Friars Minor of St. Francis, Capuchin, on the 22nd day of the same month and year. His Eminence Cardinal Vico, Prefect of the Congregation for the Doctrine of the Faith and of Holy Orders, and of the Religious Orders. Most Reverend G. Prefect. Alexander Verde, Secretary. II ANDEGAVI. DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE SERVANT OF GOD, NATALIS PINOT, PAROCHIAL PRIEST OF THE VILLAGE OF "LOUROUX - BÉCONNAIS." Causes of Servants of God renowned for their martyrdom, introduced in recent times before the Congregation of Sacred Rites, arouse the living memory and consideration of the faithful concerning the evangelical sentiments of the Divine Redeemer, both regarding the persecution foretold against the Church and its children, and regarding the blessedness with the Kingdom of Heaven promised to those who suffer persecution for righteousness' sake. Another similar Cause is now added, that of the Servant of God, Natalis Pinot, a secular priest of the town of Louroux-Béconnais, who, as is reported, was killed in Angers, on the 21st of February in the year 1794. This Servant of God, born in the same city of Angers on the 19th of December in the year 1747, and baptized the following day in the church of St. Martin, was imbued with piety and religion from his earliest



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years by his parents, Renato Pinot and Claudia La Grois. The boy and young man, instructed in appropriate literary and sacred disciplines, and deemed worthy by his Superiors, was raised to the priestly Order and dignity. He first exercised the sacred ministry in the place of Bousse, and from the year 1776 until the year 1781, he served as a vicar in the parish of the place of Corzé, and afterwards he was appointed to the headship of the hospital for the incurables in Angers, near the parish of St. Martin. There he devoted himself entirely to the benefit of the sick, observing the duties of his office, especially the spiritual ones, with the greatest care. A few years later, having resigned the position of parish priest of the village of Louroux, he showed even greater charity towards his neighbor and zeal for souls. When, in the year 1788, the parochial benefice in the town of Louroux-Béconnais became vacant, the Chapter of the cathedral church of St. Andrew the Apostle, enjoying the right of patronage, unanimously elected Natalis Pinot to such a benefice, and the Bishop of Angers confirmed it with his ordinary authority. On the 14th of September, on the feast of the Exaltation of the Holy Cross,

[*Latin ed. p. 87*]

The Holy Congregation of Rites, in the same year, having entered the vineyard of God, cultivated and preserved it with great diligence and labor, protecting it from the snares and devastations of the wicked. Admirable was his care and vigilance for his flock, and his singular industry in charity, by which he provided food and clothing for the needy and the poor. In the year 1790, the National Assembly, having scorned and rejected all forms of justice and liberty, promulgated, on November 27th, the Civil Constitution of the Clergy, sanctioned by the King, by which Bishops and priests, having charge of souls, were compelled, under pain of removal from their benefice, to take a schismatic oath. However, this sacrilegious constitution was condemned by the Roman Pontiff, Pope Pius VI, as is recorded in the document *Quod aliquantulum*, dated March 10, 1791, and *Charitas*, which was solemnly condemned on April 13, 1791, and the oath imposed by it was declared unlawful. In addition to these things, the Servant of God, once and again summoned to take the oath [according to the Constitution], steadfastly refused, adding that, with a safe conscience and in accordance with the laws of the Church, he could not do so. This is further documented in public records and in a report from the local commune of Louroux, where Natalis Pinot, the parish priest, sought condemnation. Subsequently, he was taken from the town of Louroux-Béconnais by soldiers to the city of Angers, summoned and accused; and although no one could refute his answers, the judgment of the judges, confirmed by a higher tribunal, forbade him from serving in his parish for two years. Meanwhile, the Servant of God did not interrupt his ministry, and he worked diligently to the happy outcome that some priests, who had inconsiderately taken



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the schismatic oath, later, through a public retraction, were restored to good standing. After two years had passed, and with the favorable outcome of the victory that the Catholics of that region of the Vendée had achieved in defending their faith and religion with arms, he returned to his parish on March 23, 1793, received and honored with great joy and delight by his faithful. However, as fortune changed and the Catholic forces were suppressed, the fervor of persecution increased, but the parish was not able to lose its good shepherd, who was more willing to die than to abandon his flock. In that time of sorrow and adversity, the Servant of God never neglected to properly perform his pastoral duties; and, with a special gift, he continued his salutary ministry in the neighboring villages and towns, where the legitimate pastors had been deprived of their ministry. On several occasions, he even escaped the investigations of the soldiers in a remarkable manner, but finally, a strong athlete, now worthy of the reward, fell into the hands of his enemies, so that he might be crowned victorious in the final contest. On February 21, 1794, the Servant of God, having been seized by the treachery of an ungrateful man, and subjected to insults and vexations for his steadfast refusal of the unjust and schismatic oath, was condemned to death by summary and virtually no form of judgment.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis - Official Commentary. On the same day, clothed in sacred vestments, the faithful servant and priest of Christ joyfully approached the altar of sacrifice, and, having pronounced sacred words, offered himself for the sake of justice, to reign in heaven with Christ himself. Meanwhile, the reputation for the sanctity of life, virtues, and miracles of the Servant of God, both during his life and after his death, together with the fame of martyrdom, which has persisted to this day, led to the advancement and completion of the Ordinary Informative Process concerning all these matters in the ecclesiastical court of Angers; and the process records were transmitted to the Congregation for Sacred Rites. Observing the order of law, and since all is clear and nothing prevents proceeding further, at the urgent request of Father Francis Xavier Hertzog, the general procurator of the Society of St. Sulpice and the legitimately appointed promoter of this Cause, and after considering the letters of request from the Most Eminent and Reverend Lords, Cardinals Louis Joseph Luçon, Archbishop of Rheims, and the Archbishops and Bishops of France, especially the patrons of the Catholic University of Angers, as well as the Chapters of the cathedral churches, the pastors, superiors, and professors of both the Seminary and the Catholic University of Angers, and other men of ecclesiastical or civil distinction, the Most Reverend Lord Cardinal Vincent Vannutelli, Bishop of Ostia and Palestrina, Dean of the Sacred College, and the Promoter or Relator of this Cause, at a meeting of the Congregation for Sacred Rites held on the designated day in the



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Vatican palaces, proposed the following question for discussion: Should a commission be appointed for the introduction of the Cause, in this case and for the purpose in question? And the Most Eminent and Reverend Fathers entrusted with the preservation of the sacred rites, after the report of the aforementioned Promoter, having heard the voice and the written opinion of Reverend Father Angelo Mariani, the General Promoter of the Faith, after careful consideration, decided to write: "A Commission for the Introduction of the Cause should be appointed, if it pleases the Most Holy." On January 14, 1919. Subsequently, these matters were reported to our Most Holy Lord Pope Benedict XV by the undersigned Cardinal, Prefect of the Congregation for Sacred Rites, and His Holiness, having approved the decree of the aforementioned Congregation, deigned to sign the Commission for the Introduction of the Cause of beatification or declaration of martyrdom of the Servant of God, Natalis Pinot, parish priest of the village of Louroux-Béconnais, on the 22nd day of the same month and year.

A. CARD. VICO, Archbishop of Porto and Santa Rufina, Prefect of the S. B. C.

L. VERDE, Secretary.

[*Latin ed. p. 89*]

89. In the Roman Rota, Acts of the Tribunal, Roman Rota, Vicariate of Northern Nyanza, concerning the Nullity of Marriage (Muliunya-Alibadzewa).

During the happy reign of Pope Benedict XV, in the fourth year of his pontificate, on the 10th of May, 1918, the Most Reverend Fathers, the Reverend William Sebastiani, Dean, presiding, and the Reverend Fathers Aloysius Sincero, John Prior, and Aloysius, Auditors *de turno*, in the cause of the Vicariate Apostolic of Northern Nyanza, concerning the nullity of the marriage between Lawrence Muliunya and Domitilla Alibadzewa, represented by the official procurator, the advocate Thomas Ambrosetti, with the Reverend Defender of the Bond intervening and arguing in the cause, rendered the following final judgment.

During the fierce war of the Mohammedans in that part of Africa, called Uganda, in the years 1887-1888, Lawrence Muliunya (also known as Kitagenda), an unfaithful man, took four women captive, among whom was Domitilla Alibadzewa, who was 15 or 16 years old. With the help of Divine grace, Lawrence and Domitilla requested to be admitted to the catechumenate; and on the 1st of April of the year 1893, after the other three women had fled, they were baptized. Before they were washed with the waters of baptism, they manifested a certain consent to marriage before the Missionary. Domitilla bore nine children, who died almost at the very threshold of life, which was the cause for her to be subjected to vexations by the man's family. The unfortunate woman appealed to the Missionary,



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repeatedly stating that she was not the wife of Lawrence, but a captive, and that she had only one desire, namely, to find her parents, so that she might escape from the dominion of Lawrence. The complaints of Domitilla were brought before the Apostolic Vicar, who, perceiving that a scandal might arise among the faithful if Lawrence and Domitilla, after a long period of cohabitation, were to separate, ordered them to renew their consent to marriage. The woman, refusing to obey the orders of the Vicar, was deprived of the Sacrament of the Eucharist, by which she was daily strengthened. After two months, weakened, she stood before the Missionary, Father Laane, together with Lawrence, and the marriage was blessed in the sacristy.

[*Latin ed. p. 90*]

90 Acta, Apostolicae Sedis - The official record, with a single witness present, designated by Lawrence. After one year, Domitilla received news from friends concerning her parents, and subsequently, having found her brother, she fled with him, never returning. The man proceeded according to the customs of the place, in order to restore conjugal life; but since this proved impossible due to the woman's resistance, a cause for the nullity of the marriage was initiated before the Vicariate Curia of Nyanza. However, the process was not conducted according to legal norms; therefore, on August 1, 1915, the H. S. Auditory issued a ruling: "Postponed; in the meantime, it should be written to the Apostolic Vicar, so that he may institute a supplementary process and conduct investigations, as noted in the attached letter." Once these steps are completed, the case to be considered is presented under the usual formula of doubt: "Does a marriage exist in this case, or is it null?"

Concerning the law that applies, it is well known that a marriage entered into under grave, external, unjust, and direct coercion to obtain consent is null by ecclesiastical law, due to the clear and explicit provision in chapter 14, title "De Spons. et Matrim." Whether it is also void by natural law is debated among theologians and canonists. Many and weighty authors, such as Sánchez (De matrim., lib. IV, disp. 14, n. 2), Schmalzg. (in tit. I, lib. IV, n, 405), Fejc (De impedim. matrim., n. 136), Gasparri (De matrim., n. 811), Pirhing, Billuart, and others, maintain that marriages are invalid solely by positive Church law, especially because fear, however grave and unjust, does not invalidate other contracts. Others, on the contrary, such as Reiffenstuel (in tit. XL, lib. 1, n. 18), Ballerini-Palmieri (Theol, mor., page 570), Aichner, Rosset, and Scherer, along with Saint Thomas, argue that marriage is null by both ecclesiastical and natural law. Wernz (Ius Decretalium, vol. IV, n. 266, in fine) calls this opinion the better-founded one.

Given this diversity of opinion, Pl. Santi, in his Lectures (lib. IV, n. 115 and following), raises the question of who is subject to matrimonial impediments, and states that non-Catholics are probably bound by the im-



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pediment of fear; this is also taught by Gasparri (loc. c., n. 27). He asks himself: "Should a marriage between non-Catholics begun under fear be considered valid because of the favor towards marriage, or null because of the favor towards the party experiencing fear?" And he responds, if we are not mistaken, that the answer given by Urban VIII, later Cardinal De Lugo, should be applied, namely, that when the opinions of both sides of the learned doctors are equally probable, the opinion that is more favorable to the condition of the people and the circumstances should be adopted. In the Decretalium law, the impediment of force and fear were not distinguished. Innocent III (in cap. 17, title "De raptoribus") permitted marriage between the abductor and the abducted, even as licit.

[*Latin ed. p. 91*]

Saint John of Bofa 91 states that a prior dissent is considered to have passed into consent, i.e., if that party freely consents, even though they were initially coerced. However, the Council of Trent decreed that there is no marriage between the abductor and the abducted, as long as the abducted person remains under the abductor's power. It is clear that this law of Trent does not apply to non-believers. Now, let us consider the facts. Firstly, the question was raised whether Lawrence and Domitilla, in the year 1893, before receiving baptism, entered into marriage with each other. This is affirmed by the Defender of the Bond; he writes: "When he [Lawrence] intended to be cleansed by the saving water and joined himself to the catechumens, he presented one Domitilla to the Missionary as his wife, who also, along with him, received the sacrament of baptism. The Missionary, before either of them was cleansed from original sin, expressly asked whether they consented to marriage with each other, to which Domitilla and Lawrence gave their full and distinct consent." However, whatever may be the case regarding Lawrence's consent, it is certain that Domitilla did not freely consent to the marriage. For she herself recounts the matter as follows: "I was asked if I accepted my husband. 'I was abducted,' I replied, 'and I became his wife. I am willing to remain with him.'" And when asked: "What was your thought in your heart?" she responded: "I thought that once my family was found, I would leave." In another interrogation, she stated: "I accepted the situation as it was; what would I have done, not having parents at hand? When I saw my companions leaving, I thought: 'I too, when I see my parents, I will escape.'" Therefore, Domitilla did not consent to the marriage with her own will, but only accepted the condition in which she found herself, intending to flee home as soon as possible and find her parents; for if she had fled and not found her parents, "he," as she herself observed, "to whom I would have fled, would have sold me far away, which would have been the worst thing for me." This is confirmed by Lawrence: "Besides, where would she have gone? A woman who has no family only changes masters."



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The Missionaries themselves acknowledge the nullity of the marriage. Father Laane testified: "In this case, I did not see any marriage, since Lawrence, as far as I remember, had this woman during the war." And referring to a new union begun on October 25, 1901, in the marriage book, he added these words: "arranged concubinage." Assuming that before baptism, Lawrence and Domitilla did not consent to a true marriage, or to a conjugal relationship, it must now be considered whether they validly entered into marriage in 1901.

[*Latin ed. p. 92*]

9. Acta Apostolicae Sedis –Commentarium Officiale. In this instance, we stated that, after discord arose between Lawrence and Domitilla, she desired to separate from him. The matter was brought before the Apostolic Vicar, who, "due to the scandal that would result from their separation," ordered Domitilla to marry Lawrence under penalty of deprivation of the sacraments. Domitilla initially resisted, but later yielded, as she stated in her second deposition at 4: "The Bishop asked me if I was willing to marry Lawrence. I replied: 'I do not want to; I am abandoned, how could I consent to remain with him, who has plundered me?' The Bishop then ordered Father Laane to refuse me the sacraments because I refused the marriage. This deprived me doubly, because I was accustomed to receiving them, and then, because I did not return to the village, but remained at the house. And what is religion without the sacraments? It is as if you no longer had them. Finally, out of desperation, I consented to what was demanded of me." Therefore, Domitilla consented, not freely, but under duress, to her mother's urging. This is also testified to by Father Laane: "She accepted because the Bishop refused her the sacraments," and confirmed by the witness Tibuianga: "The reason Domitilla consented to the union was the refusal of the sacraments." However, this coercion was unjust and grave. It was unjust, because Domitilla, who not only had a heart averse to Lawrence, but also had reasonable reasons to separate from him, could not be forced into marriage under the pretext that a scandal had arisen among the faithful from their separation. It was also grave, for on the one hand, Domitilla was "very gentle and serious," ready to obey in all things the Vicar, "even when he ordered me to carry a burden"; on the other hand, the evil threatened, namely, the deprivation of the sacraments, was very serious for her, because she was accustomed to being refreshed daily by the sacraments, as we saw above, and Lawrence, in his deposition, confirmed: "Domitilla was a Christian assiduous in the reception of the sacraments; therefore, it was only the refusal of them that decided her to accept me." She could not have acted in any other way; for she still lacked knowledge of her parents, and if she had found them, it is certain that she would not have renewed her consent, as Lawrence stated: "What is certain is that if she had found her parents before the marriage that we were asked to renew in the church,



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she would never have agreed to it." She could not seek help from anyone in Somãa, for she stated: "If Father Roche had remained there, who had baptized me, I would have sought recourse to him. But he had just been given another assignment. I did not know anyone else intimately." In these circumstances, Domitilla recounts, "we were united in the sacristy. I refused to bring my..."

[*Latin ed. p. 93*]

In the Holy Roman Rota, Case 93, "testimony." And when Daniel Tibaiianga asked her, "Why did she not bring a witness?" she responded: "Because they force me into this marriage." * Having entered into marriage, the bride repeatedly said: "Indeed, the Fathers have imposed a yoke upon me which I cannot bear... We were united against our will." Indeed, she thought of fleeing, and truly, after a year, she fled with her brother Michael Zache. As the records indicate, the husband omitted nothing in his efforts to bring Domitilla back to him, but all his efforts were utterly fruitless. Indeed, the aforementioned Daniel Tibaiianga testified: "Currently, the woman says only this: 'Even if he gives me 200 rupees in damages, I will not return to his house.'" And another of Domitilla's brothers, Marcus Alideki, reports: "All that I know is that she keeps repeating: 'I have been utterly and simply plundered; I will never enter into a marriage that is not one, since I never chose it of my own free will... She constantly repeats that she will not return to Laurent.'" All of these things demonstrate that there was no marriage entered into with Domitilla on October 25th of the year 1901, by Laurent. Considering all that has been considered in law and in fact, We, the undersigned Auditors of Tournon, sitting for the tribunal and with only God before our eyes, decree, declare, and definitively sentence that the marriage is null in this case. Therefore, We decree, ordering the Ordinaries of the places and the Ministers of the Tribunals to whom this pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the sacred canons and especially chapter 3, session 25, concerning reforms of the Council of Trent, using those executive and coercive means that will be more effective and appropriate, according to the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on May 10th, 1918. William Sebastiani, Dean, Presiding. John Prior. Aloysius Sincero. L. S. From the Chancery, on June 5th, 1918. Sac. T. Tani, Notary.

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION OF RITES. Tuesday, February 1919, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of Sacred Rites was held, in which the Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the theological Consultors



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comprising the same, discussed and gave their vote, first on the matter concerning the solemn Beatification of the Venerable Anne Maria Taigi, mother of a family, of the Third Order of the Most Holy Trinity; and then on the matter concerning four miracles which are asserted to have been wrought by God through the intercession of the Venerable Servant of God, Lodovica De Marìlac, Widow Le Gras, Co-foundress of the Institute of the Daughters of Charity, which miracles are proposed for the beatification of the same Venerable. On Tuesday, February 25, 1919, before the Eminent and Reverend Lord Cardinal Anthony Vico, Prefect of the Sacred Congregation of Rites, Promoter of the Cause of Beatification and Canonization of the Venerable Bernard Maria Clausi, professed priest of the Order of the Minim Friars, the Preliminary Congregation was held, in which the Reverend Officials and the Reverend theological Consultors discussed the matter concerning the heroism of the virtues exercised by the same Venerable Servant of God.

SECRETARY OF STATE. APPOINTMENTS. By letters from the Secretary of State, the Holy Father deigned to appoint: February 18, 1919. The Reverend Fathers Arturo Vermeesch and Giuseppe Steiger, of the Society of Jesus; Luigi of Saint Francis of Paola, Passionist; Colombano Dreyer, of the Minor Friars; and Benedict Lopez, Abbot, General Procurator of the Cassinese Congregation, as Consultors of the Sacred Congregation of Religious.

[*Latin ed. p. 95*]

The Roman Curial Diary, No. 95. By Apostolic Brief, the Holy Father has deigned to appoint: Domestic Prelates to His Holiness: November 22, 1918. Monsignor Pietro Paolo Frick, of the archdiocese of Rottemburg. January 11, 1919. Monsignor Anthony Renzi, of the diocese of Sant'Agata dei Goti. January 29, 1919. Monsignor Alfonso Bruni, of Rome. February 2, 1919. Monsignor Matteo Culley, of the diocese of Hexham. February 13, 1919. Monsignor Giovanni O'Doherty, of the diocese of Derry. February 13, 1919. Monsignor Gualtiero Cumming, of the diocese of Clifton. HONORS. By Apostolic Brief, the Holy Father has deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, with plaque: January 25, 1919. To Mr. Anthony Otto, of Brussels. The Order of Saint Gregory the Great, civil class: January 25, 1919. To Mr. Stefano Otto, of Brussels. January 25, 1919. To Mr. Alfonso Otto, of the same city. February 5, 1919. To Mr. Enrico Gerardo Maria van der Vijver, of the diocese of Harlem. February 12, 1919. To Mr. Baron Enrico Elia Lefevre, of the archdiocese of Rouen. February 12, 1919. To Mr. Armando Denomaison, of the same archdiocese. The Order of Saint Gregory the Great, civil class, knighthood: January 25, 1919. To Mr. Oscar Edoardo Maria Englebert, of Brussels. February 12, 1919. To Mr. Giovanni Ramaekers, of the archdiocese of Rouen. February 12, 1919. To Mr. Edmondo Henzé, of the same archdiocese. February 12, 1919.



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To Mr. Giorgio Loisel, of the same archdiocese. February 12, 1919. To Mr. Michele Lagny, of the same archdiocese. February 12, 1919. To Mr. Edmondo Warnier, of the same archdiocese. February 12, 1919. To Mr. Giorgio Ysnel-Franque, of the same archdiocese. February 15, 1919. To Mr. Ettore d'Avak, of Rome. February 15, 1919. To Mr. Augusto de Toytot, of the diocese of Saint-Claude. February 15, 1919. To Mr. Maurizio Chipon, of the same diocese. The Order of Saint Sylvester, knighthood: January 28, 1919. To Mr. Heli R. Telia y Cantos, of the diocese of Zamora. January 29, 1919. To Mr. Professor Oronte Taccini, of the archdiocese of Florence. February 5, 1919. To Mr. Carlo Commessmann, of the archdiocese of Colonia.

[*Latin ed. p. 96*]

96 Acta Apostolicae Sedis - Official Commentary

## MAGGIORDOMATO OF HIS HOLINESS

By order of His Holiness, the following have been appointed:

Secret Chamberlains of His Holiness:

November 21, 1918. Monsignor Francesco Fessier.

January 8, 1919. Monsignor Anthony Joseph Mary Mutsaers, of the diocese of Bois-le-Duc.

February [month unspecified]. Monsignor Luigi De Piero, of the diocese of Concordia.

February 17 [year unspecified]. Monsignor Raphael Casimir, Master of the Chapel of the Archbasilica Lateranense in Rome.

February 21 [year unspecified]. Monsignor Porfirio da Silva Mendes Cordeiro, of the Patriarchate of Lisbon.

Secret Chamberlains of Sword and Mantle of His Holiness:

January 29, 1919. Mr. Count Carlo de Simony, of the diocese of Dijon.

February [month unspecified]. Mr. Guglielmo Humphrey Page, of the diocese of Bruges.

Honorary Chamberlains in peacock blue attire of His Holiness:

January 11, 1919. Monsignor Domenico Brignone, of the diocese of Pinerolo.

February 8 [year unspecified]. Monsignor Arcangelo Bruni, of Rome.

NECROLOGY

February 1, 1919. Monsignor Anthony M. Grasselli, titular Archbishop of Larissa, Commander of the Most Holy Spirit.

February 8 [year unspecified]. Monsignor Enrico Joulain, Bishop of Jaffa.

February 10 [year unspecified]. Monsignor Gennaro Costagliola, Archbishop of Chieti.

February 16 [year unspecified]. Monsignor Carlo de Csáky, Bishop of



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Vácz in Hungary.

February 17 [year unspecified]. Monsignor Domenico Darmanin, Archbishop of Corfu.

Monsignor Giovanni Efrem Bertreux, titular Bishop of Musti, Apostolic Vicar of the Southern Solomon Islands.

[*Latin ed. p. 97*]

Year XI - Vol. XI, March 12, 1919, No. 4

## ACTA APOSTOLICAE SEDIS

## 'OFFICIAL COMMENTARY'

## ACTS OF POPE BENEDICT XV

## SACRED CONGREGATION

On March 10, 1919, a secret Consistory was held in the Apostolic Palace at the Vatican, the Acts of which are reported as follows:

## I. - ADDRESS OF HIS HOLINESS, POPE BENEDICT XV

### VENERABLE BROTHERS

Before we proceed with the supplementary appointment of Bishops, which is the principal reason why we have convened you today, it pleases Us to share with you Our thoughts and concerns regarding the affairs of the Christian East.

Indeed, the Roman Pontiffs have always pursued the Oriental Church with a particular devotion; and, as shepherds of the Lord's flock, it was fitting and appropriate that they should attend to the welfare and growth of the individual churches, especially that Church which, having been the place where the redemption of the human race was consummated, and in which the seeds of the Christian faith, the apostolate, and martyrdom were sown, has produced the most illustrious fruits of sanctity and wisdom. For, while it remained steadfast in unity, that Church flourished marvelously.

[*Latin ed. p. 98*]

The Acts of the Apostolic See record that the Holy Fathers bestowed honor upon those endowed with intellect, virtue, and doctrine, such as Basil, Athanasius, both Gregories, and Chrysostom, who illuminated the Christian world. Our predecessors have never neglected the venerable tra-



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ditions of antiquity; nor have they merely preserved the customs and institutions of the East, both those of the Latins and those of the Greeks, but have also diligently maintained their rites, which are certainly noble, splendid, pure, and integral, so that the Bride of Christ might display her beauty in a golden and varied attire. It is well known that these rites have been customarily celebrated in this very city, by order and with the authority of the Apostolic See; also, the holy Eastern Pontiffs and Doctors have been included in the Roman Calendar, and their homilies have enriched the Latin liturgy. Furthermore, there exist numerous documents of pontifical foresight, either to promote the prosperity of the Eastern Church in various ways, or to protect those Christian communities which were exposed to frequent incursions by enemies. Nor should we fail to mention the great and paternal exhortations of our predecessors to the Churches that were dissenting, so that they might return to the center of unity and life from which they had unfortunately separated themselves, and that they might fulfill their duties of obedience and reverence to this blessed See of Peter, for which the Greek Fathers gave the clearest examples in the ecumenical Councils of Ephesus and Chalcedon. We, however, placed in the government of this Roman Church, which is "the root and mother of the Church Catholicae," by the inscrutable design of God, turn our eyes and our minds with diligence to the Eastern Churches, both those that are united with this Apostolic See, from which the bond of priestly unity has sprung, and those that have separated themselves from it, and, following the footsteps of our predecessors, we have set ourselves the purpose of restoring the former to their former dignity, and of bringing the latter back to the unity of the faith. First, therefore, we established our own Congregation for dealing with the affairs of the Eastern Church; then, for both Latins and Greeks, and even for those who are dissenting, we opened a school of studies, where they may acquire a more profound and more extensive knowledge of Christian antiquity.

[*Latin ed. p. 99*]

The acts of Pope Benedict XV, page 99, compare [different matters]. As soon as we adorned the Pontifical Institute with its title, we took under our special protection those who were undertaking its work; and we reserved the prefecture of that Congregation for ourselves and our successors, so that our benevolence towards the Orient might be more clearly demonstrated. But we did not consider it sufficient to look to the future benefit of the Eastern Church with regard to the Institute that we mentioned; and we devoted all our efforts, and the efforts of our officials, to alleviating the ancient burdens under which those peoples labored, as the fury of war had afflicted them within the borders of Russiae, in the Balkans, and under Turkish dominion. For here we saw an entire people almost reduced to destruction; there, compelled in droves to abandon their homes, they



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took refuge in the mountains, and were perishing from the harshness of the times and famine; everywhere, Christian communities were dissolving, priests were cast into prisons and driven away, temples, monasteries, schools, and hospitals were converted to profane uses; and finally, the goods of the Church and of private individuals were being plundered and scattered. To remedy all these evils, as far as it was in our power, we endeavored, without any regard for nation or religion. Above all, we were concerned for the Armenians, and for the inhabitants of Syria and Lebanon, because we saw that they were frequently subjected to deportations, famine, and even massacres. Therefore, for the Armenians as a whole, and for those individually who were condemned to death, or who in any way needed our help, we repeatedly sought assistance from the Ottoman Emperor, either by direct intervention or by recommending them to those whose intercession seemed more likely to be effective with him. Thus, with God's help, we were able to bring an end to the massacres in several places, and to prevent the death of many. Meanwhile, deeply moved by the countless miseries of the Armenian children, we aided them as far as our resources allowed, establishing a home in Constantinople. As for Syria and Lebanon, in order to avert the atrocities that were feared there, and to provide the necessary supplies, we also commanded assistance from several governing bodies of the states. In short,

[*Latin ed. p. 100*]

Acta Apostolicae Sedis - Commentarium Officiale 100. Ad omnes ex Oriente, quotquot in tribulationibus versabantur, quantum auctoritate potuimus, praesto esse non cessavimus; in quo egregie admodum, qui Nostram illic personam sustentant, se Nobis proboverunt. Postquam vero, pactis inductis, bellum conquisivit, non tamen eas de Oriente Christianae curas molestiasque deposuimus. Nam, mententes rei politicae et socialis perturbationes, et nationum inter se certamina, nimium quantum civilem religiosamque vitam consuetudinem impediunt, maxime in regionibus hucusque Imperio Russico subiectis; ubi publice cum tribueretur civibus libera potestas religionis, quam vellent, profitendae, tam bona lucebat spes temporum meliorum. In ceteris autem Orientis partibus ea sunt luctuoso spectaculo: sacrae Missiones dissipatae, Christianorum multitudines templis et sacerdotibus destitutae, populi inter se de libertate contendentes et ad inopiam adducti rerum omnium. Sed in primis magna Nos sollicitudine afficiunt Sanctae Palaestinae Loca, singularum scilicet eorum dignitatem, quas sunt Christianorum, cuique summe venerabilia. Quibus quidem Locis a infidelium dominio liberandis quam multam diuturnamque dederunt operam praedecessores Nostri, quantum laboris et sanguinis, saeculorum de cursu, Christiani Occidentales impenderunt! Nunc vero, cum ea super, ingentissimo gaudio bonorum omnium, rursus in Christianorum potestatem cesserint, summam per omnes anxietatem



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sumus de iis quae in hacce Parisiensi sede pace Consilium proxime constituet: nam acerbus profecto Nobis et Christifidelibus, quotquot sunt, in ureretur dolor, si infideles in Palaestina meliori potiorique in conditione ponerentur, multumque magis illa christianae Religionis augustissima monumenta eis traderentur, quae Christianis non sunt. Novimus praeterea advenas ac catholicos, copiis opibusque abundantes, quas bellum in Palaestina genuit miseriis ruinisque plurimas, iis abuti ad suas inibi doctrinas disseminandas. Atqui omnino non ferendum est, ibi tot animas, acatholica fide deficiendo, ruere in interitum, ubi Dominus Noster Iesus Christus vitam aeternam dedit.

[*Latin ed. p. 101*]

The acts of Pope Benedict XV, page 101, record that he acquired these [territories] through much bloodshed. Therefore, our beloved sons, mindful of this, humbly implore us, not only to provide them with necessary sustenance and clothing, but also to restore to them their sacred churches and schools. We, remembering our obligations, have designated a certain sum for this purpose, and would gladly give more, were we not constrained by the needs of the Apostolic See. Furthermore, we urge all the bishops of the Catholic world to take care of this most noble cause, and to arouse fraternal zeal towards the Orient, receiving with open arms those who are most deserving. Therefore, we are greatly confident that, with the divine benevolence guiding these endeavors, and with the cooperation of the bishops, all will proceed well.

## II. APPOINTMENTS OF BISHOPS

After these matters, Our Holy Lord provided for the following churches, which were in need of a pastor, namely:

To the Metropolitan Church of Genoa, He appointed the Most Reverend Thomas, Cardinal Boggiani.

To the Metropolitan Church of New York, He appointed the Reverend Father Patrick Hayes, formerly the titular Bishop of Tagaste, and Ordinary of Castres for the United States of America.

To the Metropolitan Church of Saint Paul of Minnesota, He appointed the Reverend Father Augustine Dowling, formerly the Bishop of Des Moines.

To the Metropolitan Church of the Holy Faith of Daeger, of the Order of the Friars Minor, in America, He appointed the Reverend Father Albert.

To the Cathedral Church of Concordia, He appointed the Reverend Father Aloysius Paulini, formerly the Bishop of Nusco.

To the Cathedral Church of Bagnoregio (Bagnorea), He appointed the Reverend Father Louis Antomelli, formerly the titular Bishop of Leptis



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Magna and Apostolic Vicar of Libya.

To the Cathedral Church of Gari, He appointed the Reverend Father Joseph Caruso, the urban pastor and general vicar of the Metropolitan Church of Saint Severus.

To the Cathedral Church of Ozieri, He appointed the Reverend Father Francis Franco, the parish priest of Agliano in the Diocese of Asti.

[*Latin ed. p. 102*]

Acts of the Apostolic See - Official Commentary 102. To the Cathedral Church of Lingon, the Reverend Theophilus Louvard, vicar general of the Diocese of Sagiens. To the Cathedral Church of Buffalo, the Reverend William Turner, professor at the University of Washington. To the Cathedral Church of Albany in America, the Reverend Edmund Gibbons, pastor of St. Theresa's in the city of Buffalo. To the Cathedral Church of Condem in India, the Reverend Daniel Hermida. To the Cathedral Church of Corumbá, the Reverend Mauritius Da Rocha, secretary of the ecclesiastical court of Maceió. To the Cathedral Church of Lungro degli Italo-Albanesi, of the Greek rite, recently established in the region of Calabria, the Reverend John Mele, pastor of the place commonly called Lungro. To the titular episcopal church of Surens, the Reverend Francis Marnas, vicar general of the archdiocese of Lyons, appointed as coadjutor with right of succession to the Most Reverend Bishop of Clermont. To the titular episcopal church of Tricomia, the Reverend Leon Durand, director of the major seminary of Marseilles, appointed as auxiliary to the Most Reverend Bishop of Marseilles. To the titular episcopal church of Ceramus, the Reverend Joseph Skvireckis, appointed as auxiliary to the Most Reverend Bishop of Samogitia. To the titular episcopal church of Claudiopolis, the Reverend William Hiekey. Furthermore, the Most Blessed Father also publicly announced other prelates, who had already resigned through Apostolic Letters bearing the seal, namely: ARCHBISHOPS: Tarentum, Horatius; Philippi, Sardus, Mazzella; already the archiepiscop Joseph Eugene of Rossano. Palica. Pacelli. Tyre, Rudolphus Carolus; already the Bishop of Ceneda. Palmyrene, Bartholomew Surrentinus, Paul Vallensis. Iacuzio, Cattaneo; already the Bishop of Capaccio and of Monaco and of Freising, Michael de Faulhaber; already the Bishop of Spires. Mohilov, Edward de Ropp; already the Bishop of Vilna. Lanciano, Nicholas Piccirilli; already the Archbishop of Compsa. Hydrus, Carmel Patané.

[*Latin ed. p. 103*]

Acts of Pope Benedict XV, 103. Gaesariensem, Peter Gézérac, already Bishop of Cahors and Coadjutor to the Most Reverend Archbishop of Albi. New Orleans, John Shaw, already Bishop of Saint Anthony. Scythopolitanum, Americus Bevilacqua, already Bishop of Rythmis.



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Tharonensem, John Festa, already Bishop of Capitolias. Seleuciensem, Francis Marchetti Selvaggiani. Li manum, Aemilius Lisson, already Bishop of Chachapoyas. Philadelphia, Dionysius DougfSerty, already Bishop of Buffalo. Quito, Emmanuel Polit, already Bishop of Cuenca in India. Iconium, Peter di Maria, already Bishop of Cataca. Tuam, Thomas Gilmartin, already Bishop of Clonfert. L'Aquila, Adolphus Turchi, already Bishop of Canopita. Stauropolitanum, Richard Isasa, already Bishop of Anemurium. Amida (Diarbekir), John Baptist Pita val, already Bishop of Saint Faith in America. Besancon, Aloysius Gompsan, and also Octeriensem. Salzburg, Humbrecht, already Bishop of Poitiers. Campagna, Carmel Cesarano, already Bishop; Ignatius Rieder, already Bishop of Suren. Rossan, John Scotti, already Bishop of Cariati. Gamerin, Hector Fronzi, already Bishop of Cagli and Perugia. Burgos, John Benlloch y Vivó, already Bishop of Urgel. Saint James of Chile, Crescentius Errázuriz. Agrense, Angel Bernacchioni. Oxyrynchus, John Mae Intyre, already Bishop of Lamia. Nacoliense, Casimir Ruszkiewiecz. Gherchense, Stephen Djibri, already Archbishop of Nisibis. Verapoli, Angel Perez y Cecilia, already Archbishop of Acridia.

BISHOPS: Armenopolis, Julius Hosszu. Tuy, Emmanuel Lago y Gonzalez, already Bishop of Osma. Auxima and Gingula, Pacific Fiorani, already Bishop of Netanum and Centumcellae.

[*Latin ed. p. 104*]

104 Acta Apostolicae Sedis - Commentarium Officiale. Polibotensen, Iulium Drohobeczki, now Bishop of KriÅ¾evci (Kreutz) (KriÅ¾evci). Stratonicensem, Sinis, Antonium Thomam Stoppani. Esser. Cardica, Franciscum Ruiz de Azua. Sufetula, Flaminium Thaciamontanensem, Aloisiui Tentyrite, Aemilium Modrensem, Hyacinthum Massen, Iosephum Tacapitanum, Bellotti, de Gooman, Bunoz, Ghassagnon, Bertazzoni, Ioannem Sedlák. Hermopolitanum, Georgium Glosauer. Verszprimiensem, Ferdinandum Rott. Brentwoodiensem, Bernardum Ward, now Bishop of Lydda. Tirasonensem, Isidorum Badia y Sarradeil, now Bishop of Ascalon. Spirensem, Ludovicum Sebastian. Lydda, Patritium Ghiasson. Trica, Natalem Serafino, Anchialensem, Henricum Adrianopolitanum, now Bishop of Biella. Lécroart, Dionysium Lowney. Genetensem, Eugenium Beccegato, now Bishop of Sinop. Tipasitanum, Henricum Gray Graham. Natal, Antonium dos Santos Gabrai. S. Marthe, Ioachim Garcia. Montereyensem Angelorum, Ioannem Gantwelt. Denver, Ioannem Tihen, now Bishop of Lincoln. Minsk, Sigismundum Glavarensem, Amadeum Casabona. Kerriensem et Aghadonensem, Gornetanum et Lozinski. Carolum Centumcellarum, Lucam O' Sullivan. Piergiovanni.



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Glazomensem, Iosephum Castro, now Bishop of Cuzco.

[*Latin ed. p. 105*]

Acts of Pope Benedict XV, Nilopolitan, Vaga, John Gannon, John Forbes. Mandelensem, Aloysius Ferretti. Pastopolitanum, Anthony Diniensem, John Puego de Val, Martel. Berisensem, Raymond nensem. Fernensem, William De La Porte, already a bishop of Cenoma - Godd. Paleopolitanum, Charles Sica, already a bishop of Fulginatensem. Anthedonensem, Aemilius Caputaquensem and Limericensem, Perez. Vallensem, Dionysius Franciscus Cammarota, Hallinan. Loriensem, Angelus Iannachino, already a bishop of Thelesinum. Spiritus Sancti, Benedict Al ves de Souza. Penedensem, Jonah de Aranjo Batinga. Genomanense m, George Grente. Domitiopolitanum, Xilopolitanum, Augustine Daniel Migliore, Gorman. Antipatridensem, Cyril de Paula Freitas, already a bishop of Corum bensem. Cadurcensem, Joseph Giray. De Serena, Charles Silva Cotapos. SS. Conceptionis, Egilbert Fuenzalida Guzman. Cochabambensem, Francis S. Caroli Ancudiae, Pierini, Anthony Castro. Oxomensem, Matthew Mugica y Urestarazu. Squillacensem, John Elli. Wilcanniensem, William Hayden. Conversanensem, Dominic Lancellotti, already a bishop of Troianum. Gapitoliensem, John Bos. Lincolnensem, Charles O' Reilly, already a bishop of Bakeriensem. Archelaidensem, Joseph Burgain.

[*Latin ed. p. 106*]

Acts of the Apostolic See - Official Commentary 108. Caratinga, Emmanuel Nogueira Duarte. Cuzco, Peter Farfan, already a bishop of Huaraz. Trenton, Saint Thomas Walsh. Christopher of Laguna, Gabriel Llompart. Gades and Septena, Martial Lopez Criado. Spalato, George Carie, already bishop of Ceramus. Tulle, John Castel, already bishop of Pamiers. Aberdeen, George Bennet. Foligno, Stephen Louis of Marignano. Thelesin, Joseph. Molfetta, Corbin. Helvetius Gomes de Ouvira. Signore. Giovinazzo and Terlizzi, John Iacono. John Castanier. Lafayette, Julius Galveston, Jeannard. Christopher Byrne. Saint Anthony, Arthur Drossaerts. Duluth, John Mac Nicholas. Detroit, Michael Gallagher, already bishop of Grand Rapids. Achaia, Wladyslaw Ascalonitan. Albert of Halicarnassus. Barcaeum, Cusarum, Owezarek. Stanislaus Adolphus of Ganathen, Krynicki. Paul of Gai. Szeiazèk. Kubicki. Romuald Jalbrzykowski. Diocletianopolitan, pensum. Anthony of Assis, already of Eleutheropolis, Nicholas De Aloysius Barlassina. Capharnaum, Epiphanius, Peter Panopolitan, Joseph, bishop of Guaxu-Carlo. Rossillon. Nicolas. Poitiers, Olivier De Durfort de Civrac de Lorge, already bishop of Langres. Satalia, Francis, Peter of Pednelissus, Thomas Dantin. Broderick, bishop.

[*Latin ed. p. 107*]

107. The acts of Benedict XV: Thignica, Augustum Declercq, Ionopolitan; Nicolaus Gonzalez, Telmissus; Boleslaus Twardowski, Perez,



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Pharensis; Lucas Pappafava, already Bishop of Sebenico; Lublin; Marianus Tulman, Gamenecensis; Petrus Mankowski, Podlakien; Henricus Bigensis, Eduardus Eucarpien, Przezdziecki, O'Rourke; Ernestus Seydl, Troadensis; Antonius Bassani, already Bishop of Clodien; Georgius Matulewicz, Vilna; Iosephus Lo Valones, Iacobus Gopello, Arianensis; Jacono, Sophronius Hacbang y Gaborni, Lor y mensis; Adolphus Jelowicki, Tarantais; Ludovicus Termier, Abulensis; Henricus Pia y Daniel, Oscensis; Zacharias Martínez y Nuñez, De Guayana; Xistus Sosa, already Bishop of Giaudopolitan; Iosephus dos Santos, Groiensis; Iosephus Gerasensis, Edmundus Gallien, Alatrinus, Mae Heelan, Pergulanus; Antonius Grath, Augustum Curi, Torrini, Alexandrinum Statiellorum; Iosue Signori, already Bishop of Fossano; Fossano, Quiricus Travaini; Grand Rapids, Dionysius Kelly, already Bishop of Gestren; Usula, Iacobus Laminne; Adrianopolis, Franciscus Isola, already Bishop of Goncordia; Corvopolitan, Iosephus Durjer.

[*Latin ed. p. 108*]

Acts of the Apostolic See - Official Commentary 108 III. - THE REQUEST AND GRANTING OF THE SACRED PALLIUM. Subsequently, the Most Blessed Father granted the Sacred Pallium to the metropolitan churches of: Genoa, Aquila, Compsa, Rossano, Taranto, Diamante, Sorrento, Lanciano, Otranto, Lamezia, Philadelphia, Quito, Tuam, Salzburg, Cameri, Saint James of Chile, Burgos, New York, Saint Paul of Minnesota, and Saint Faith in America.

CONCERNING THE PROPER MOTION FOR ASSISTING THE CATHOLIC MISSIONS IN THE HOLY LAND, POPE BENEDICT XV. Recently, from the letters of the Venerable Brother Patriarch of Jerusalem, we learned of the difficulties the missions in Palestine are experiencing, to such an extent that they seem unable to maintain the fruits of their long labors, let alone make progress. To this, we lament the addition of another grave inconvenience: that those who are not Catholic are taking advantage of the missions' weakened state to spread their doctrines there; and that, with abundant resources, they are able to achieve this either by providing assistance to the inhabitants, or, and even more so, by establishing schools in those places where our own missions cannot easily reach. Understand, Venerable Brothers, what is at stake for the salvation of souls in this matter, and what the Holy Land itself requires. As we said in the Allocution which we delivered yesterday in the Consistory, it must not be tolerated that so many souls, lacking the Catholic faith, should perish, when Jesus Christ, our Lord, acquired for them eternal life with His precious blood. Therefore, all good men, with whatever means they can, ought to assist these missions, and to provide for the Catholics there, so that they may not be abandoned. We have allocated a certain sum to this cause, and we would gladly give more, were we not restricted by the needs of the



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Apostolic See. As for what concerns exhortations, with our own...

[*Latin ed. p. 109*]

Acta Benedicti PP. XV, 109 f: "Ad eos qui indigentes non sunt, ut, propter causam ipsarum Missionum, omni studio ministretis inter populos vestros. Vobis vero, cum instat, confidimus multos respondere, salva conditione, secundum litteras felicis memoriae Leonis XIII, Nostri Praedecessoris, pro Locis Sanctis orationes esse probandas et ad Custodem Terrae Sanctae transmittendas. Auspicio munerum caelestium et benevolentiae Nostrae, vobis, Venerabiles Fratres, et Clero et populo vestro apostolicam benedictionem peramanter impertimus. Datum Romae apud Sanctum Petrum, die decima martii, anno millesimo noncentesimo nonagesimo nono, Pontificatus Nostri quinto. BENEDICTUS P. P. XV. Litterae: CONGRATULATIONI DOMINAE INDULGENTIAE ET SPIRITUALIA PRIVILEGIA PARISIIS CANONICE ERECTAE CONCEDUNTUR. BENEDICTUS P. P. XV. Ad perpetuam rei memoriam. — Dilectus filius Iosephus Maubon, Vicarius generalis Congregationis Augustinianorum ab Assumptione et Moderator Generalis Associationis titulo Nostrae Dominae a Salute Parisiis canonice erectae, per preces flagitat, ut nonnullas indulgentias, quae a Praedecessoribus Nostris ipsi Associationi iam concessae sunt, in perpetuum confirmare, et novas eis de benignitate Apostolica adjungere dignemur. Nos, precibus his, quae in tam frugiferae Societatis bonum et incrementum ducunt, quantum in Domino possumus, annuentes, audito dilecto Filio Nostro S. R. E. Cardinali Poenitentiario Maiori, haec quae infra scripta sunt decernenda existimavimus. Nimirum, de omnipotentis Dei misericordia et auctoritate B. Petri et Pauli Apostolorum Eius confisi, omnibus et singulis fidelibus qui dictam Associationem Nostrae Dominae a Salute in posterum ingredientur, die primo eorum ingressus, si vere poenitentes et confessi sanctissimam Eucharistiam sumpserint, plenariam; et tam inscribendis quam in posterum inscribendis fidelibus in Associatione, in cuiuslibet eorum mortis articulo, si vere poenitentes et confessi ac S. Communionem refecti,..."

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis - Official Commentary. Those who, although unable to do so, at least with contrite hearts, have invoked the name of Jesus with their lips, or, if they could not, with devout hearts, and who have accepted death as the penalty for sin from the hand of the Lord with a patient spirit, shall receive a plenary indulgence; finally, to the members of the Association, both now and in the future, who, having been absolved by sacramental confession and refreshed by the heavenly feasts, on the three days of the patronal feasts, namely, December 8th, September 8th, and March 19th, as well as on February 11th, the feast of the Virgin of Lourdes, March 25th, August 15th, and December 25th, and also on twelve



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other days throughout the year, chosen by each member from each month, shall devoutly visit each year their Association's church, or any other public sacred edifice or chapel, from midday of the preceding day until midnight of the respective day, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and who, having completed the prescribed works on that day, we mercifully grant a plenary indulgence for all their sins and remissions of punishment. Furthermore, to these same members, both now and in the future, who are admitted to the aforementioned Association, whenever they participate in pious pilgrimages established by the Central Council or by the diocesan committees of the same Association, we grant that, in addition to the indulgences earned in the places they visit, they may also obtain another plenary indulgence, provided that they have duly performed the prescribed works of piety. Finally, to these same members, whenever they participate in the groups of the Association, at least with contrite hearts, or perform any work of piety or charity according to the rules of the Association, we remit from the number of days of penance, in the usual form of the Church, three hundred days. Moreover, we grant to the aforementioned members, if they wish, the permission, except for the plenary indulgence to be obtained at the hour of death, to expiate the defects and punishments of the indulgences granted by the life of works, the partial indulgences that we have enumerated. To the priests who are directors, both now and in the future, of the Central Council and of the diocesan committees of Our Lady of Ransom Association, we grant the privilege of applying, according to the prescribed rite and formula, the so-called "Indulgences of the Rosary" to the praying crowns; and of blessing, observing the due precautions, crosses, crucifixes, sacred medals, praying crowns, and small statues made of metal, of Our Lord Jesus Christ, of the Blessed Virgin Mary, and of all the Saints, and of applying to them the indulgences that are listed in the list published by the Congregation of Propaganda Fide, not excluding, with regard to the crowns...

[*Latin ed. p. 111*]

The acts of Pope Benedict XV, page 111, concerning indulgences granted by Saint Bridget. We grant to the Directors themselves, now and for the future, a privilege, by virtue of which Masses celebrated by them at any altar of any church, for the deceased members of this Association, will benefit the souls for whom they were celebrated, as if they were celebrated at a privileged altar. Notwithstanding any constitutions, special permissions, individual mentions, and derogations, and all other Apostolic ordinances and sanctions, and all other things whatsoever, which might be contrary to this, these present decrees are valid for all times, present and future. Furthermore, we command that all other indulgences, which Our predecessors



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have granted to this Society in any way, be revoked, as we revoke them now by Our Apostolic authority. We wish that to these present letters, or copies thereof, even printed ones, signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith be given as would be given to these present if they were exhibited or shown. Given in Rome, near Saint Peter, under the Fisherman's ring, on the first day of January, 1919, in the fifth year of Our pontificate.

P. CARD. GASPARRI, Secretary of State.

ADDRESS TO PARISH PRIESTS AND TO THOSE WHO PREACH DURING LENT IN THE CITY (March 1919).

To my most beloved sons, gathered in this blessed city to announce the divine word during the upcoming Lent, We wish to offer a greeting that expresses both the benevolence of the common Father of the faithful and the particular concern of the Bishop of Rome. The Apostle Paul once had to receive a desire similar to that which We now hold in Our heart. He wished to give his Timothy a name that would explain why his faithful disciple should not only flee the greed of earthly things, but also follow justice. And, divinely inspired, Saint Paul greeted Timothy with the name of "man of God": "But you, O man of God" (1 Timothy, 6:11). It is not difficult to understand how appropriate that name was for one who, by his example, should condemn those who, through greed for earthly goods, have strayed from the faith - "for some, having departed from these principles, have wandered astray concerning the faith" (1 Timothy, 6:10).

[*Latin ed. p. 112*]

112 Acta Apostolicae Sedis - Commentarium Officiale: "The man of God" does not find reason for pride in riches and honors: "Tu autem, o homo Dei, haec fuge." It appears even more fitting that the name "man of God" should belong, above all others, to those who, by example and word, ought to promote justice and honor piety, faith, and charity, because those who champion justice and cultivate piety, faith, and charity manifest themselves in deeds as "men of God": "Tu autem, o homo Dei,... sectare iustitiam, pietatem, fidem, caritatem." But might we imitate the Apostle and, in turn, address our most beloved children, called to proclaim the divine word in this our city of Romanell' during the approaching Lent, with the name "men of God"? To this question, our heart does not hesitate to give an affirmative answer, because a father always rejoices, not only in every name, but also in every smallest thing that may honor his children. But, so that no one believes that the affirmative answer is due only to the feeling of the heart, we wish to invite you, our most beloved, to consider that it is also confirmed by the reasoning of the mind. We invite you to this consideration, in the desire to further emphasize how highly we esteem the preachers of Lent and with what affection we surround them, wishing that the ministry entrusted to them may be fruitful. Oh, that we could compare ourselves to



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the Apostle Paul, and, with the same truth that flowed from his lips when he said to Timothy, "Tu autem, o homo Dei," we could address the preachers of Lent who are gathered in our presence today as "men of God"! To these, we wish not only to avoid that which may harm the effectiveness of their ministry - "Tu autem, o homo Dei, haec fuge," - but also to defend the faith, to promote justice, and to foster love of God and neighbor, as is fitting for true men of God: "Tu autem, o homo Dei,... sectare iustitiam, pietatem, fidem, caritatem." He who wishes to give persuasiveness to his discourse must first base it on the teaching of a good master. Therefore, wishing to demonstrate that the name "man of God" is fitting for the preachers, we base our reasoning on the words of the Angelic Doctor. "The imposition of names," says Saint Thomas, "derives from that which determines the knowledge of the things to be named": "Nomen imponitur ab eo per quod res cognoscitur" (I q. XIII). Now, things are known to us either by their properties or by their operations. It follows, therefore, that, in judging the names to be given to the preachers, it is necessary to know their own qualities and actions.

[*Latin ed. p. 113*]

113 The Acts of Pope Benedict XV. One easy way to discern the essential qualities of preachers is certainly to recognize in them, almost in an eminent manner, the qualities of priests, because they are all adorned with the sacerdotal dignity and claim for themselves, as a personal attribute, a more constant and more accurate exercise of one of the principal functions of the priesthood, namely, the instruction of the Christian people. For the priest, indeed, is a mediator between God and men. Saint Thomas explains the words of the Apostle, "For there is one God, and one mediator between God and men, the man Christ Jesus" (1 Timothy 2:5), teaching that only Christ is fitting to be a mediator simply and perfectly; therefore, he adds that nothing prevents there from being other subordinate mediators, who exercise mediation between God and men in a dispositive or ministerial manner: "Yet nothing prevents many others from being, in a certain sense, mediators, namely, dispositively and ministerially" (Summa Theologica, 3 q. 26, a. 1). Furthermore, the Angelic Doctor says that it properly belongs to the office of mediator to join and unite those between whom he is a mediator. But does not he cooperate effectively with the union of man and God who joins the minds of men to God, dissipating errors and illuminating them with the rays of truth? Does not he cooperate effectively with the union of man with God who kindles in the soul of man the flame of love for the good, in order to bring it to the Supreme Good, which is God? Now, is not this your particular mission, O priests who dedicate yourselves especially to preaching? The title of mediator between God and men, which is proper to every priest, therefore belongs in a special way to you, who strive to unite men to God through the instruction of the mind and the



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perfection of the spirit; each of you is a priest par excellence, because, as Saint Thomas also says, "a priest is almost a sacred person, according to the words of Melitene: 'For the law shall go forth from him, and the words from his mouth shall be a decree'" (Malachi 2:7), and you proclaim the divine law to the people, and you instill its observance in order to draw them to God. Therefore, if priests in general must have the spirit of Jesus Christ, since it is said of each of them, "He is another Christ," then preachers, who more openly perform the office of mediators between God and men, must be imbued, in a most special way, with the spirit of God. In this spirit of God, to which we believe that priests who dedicate themselves to the ministry of preaching must be imbued in a particular way, we recognize the sum of the qualities proper to the preacher; in other words, it is from the sum of these qualities that we come to know what a preacher is and what he ought to be. But "each thing we name as such, and we know it," as Saint Thomas teaches (De Veritate, q. 13). Therefore, also from the ensemble of qualities...

[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis - Commentarium Officiale, which form what we call the spirit of God, we can deduce the names of the preachers and salute them as "men of God": a name is imposed by that by which a thing is known, namely, by its property. We need not say that the preachers are represented by their qualities as men who strive to detach themselves and others from earthly things. Following the footsteps of the divine Master, *segregatus a peccatoribus et excelsior caelis factus* (Made separate from sinners, and made higher than the heavens, Hebrews 7:26), they must attend to that which pertains to God and His things, so that they may acquire a word similar to that which Jesus spoke in the temple: "Did you not know that it is necessary for me to be in those things that are of my Father?" But detachment from earthly things and constant attention to heavenly things, in order to acquire them for themselves and for others, must almost spiritualize the nature of the preacher and bring him closer to God with a proximity greater than that given to any other creature by its eternal Creator. This proximity with God, facilitated or, to speak more accurately, determined by the qualities that must not be lacking in good preachers, allows us to give these men the beautiful name of "men of God": *tu autem, o homo Dei*. The appropriateness of such a name must appear even more justified when one reflects that the preacher, like every other being, is known in a special way, not only by his qualities, but also by his actions; so that even from these, the proper imposition of the name that belongs to him should be derived: *nomen imponitur ab eo per quod res cognoscitur, scilicet a proprietate "et ab operatione"* (Summa Theologica, I q. XIII). Indeed, it is enough to recall that office of mediators between God and men, which, although proper to all priests, we have already said belongs in a particular



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way to those destined for the ministry of sacred preaching. This aforementioned office, while assuring men of the positive benefits of the instruction of the mind and the improvement of the heart, brings to God – as to Him to whom there are no goods to add, because He possesses all of them from all eternity – only that public and eternal recognition of sovereign excellence in which consists His glory. But the good preacher seeks the glory of God in such a way that it is evident that it is at the forefront of his thoughts, on the tip of his lips, and in the palm of his hands. Whoever follows the steps of a preacher, modeled on the examples of the divine Master, cannot fail to recognize that his activity is ordered to the glory of God. This is said by the thoughts that most often occupy his mind; it is said by the words that most often blossom on his lips; and above all, it is said by the many endeavors that the good preacher uses to draw souls to God. Now those who often speak of...

[*Latin ed. p. 115*]

From the Acts of Pope Benedict XV, page 115: Those who, through God, frequently perform works, and with their words proclaim the work, do they not deserve to be called "men of God"? The ungodly, alas, call "men of the world" those who think about the world, speak about the world, and work for the world with remarkable frequency and interest. Let us rise to a higher plane; is it not true that those who, in familiar conversations, find delight and know nothing else to speak of but books, codes, and legal compendiums, are called "men of study"? Is it not true that those who love to recount what is taught or done in the Church are called "men of the Church"? And shall we not call "men of God" those preachers who must always have the holy name of God on their lips, as if to indicate that they always direct the thoughts of their minds and the affections of their hearts towards God, and that they always wish to direct the works of their hands towards God? Clearly, the totality of these works directed towards God reveals what the preachers are; but, since we name things as we know them, *unumquodque nominamus sicut et cognoscimus*, it becomes clear that the name "men of God" is justified in preachers not only by their qualities, but also by their works: "nomen imponitur ab eo per quod res cognoscitur, scilicet a proprietate 'et ab operatione'." A different conclusion is reached by examining the words with which Saint Paul describes the office of the priest, and, all the more so, of the preacher, when he says, "He is appointed a pastor of the flock of God in all things that concern God": *pro hominibus constituitur in iis quae sunt ad Deum* (Hebrews 5:1). Every mediation presupposes two terms. Saint Paul specifies those of the mediation entrusted to the preacher: *pro hominibus constituitur*, here is the earthly term; *in iis quae sunt ad Deum*, here is the heavenly term. It is worth noting the very broad form in which the Apostle expresses the action of the preacher with regard to God. *In iis quae sunt ad Deum*,



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it embraces worship and every external manifestation of the glory of God; *in iis quae sunt ad Deum*, it embraces the doctrine revealed by God and the law promulgated by Him; *in iis quae sunt ad Deum*, it concerns the rewards promised and the punishments threatened by God; *in iis quae sunt ad Deum*; tell me, is there anything that is excluded from this very broad scope of the preacher's action in relation to God? But this very breadth reveals what the good preacher must be. Indeed, it is permissible for him to deal with every class of people, it is permitted for him to examine every condition of things. But if, among the young, he performs the work of the farmer, who aims to keep the tender seedlings upright, it is only because he wishes to direct the hearts of the young towards God.

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis - Official Commentary. Whether among mature men he proclaims the laws of justice, it is because he desires that the allure of earthly goods should not hinder the acquisition of the highest Good, which is God. Whether in families he demands obedience from children and mutual love between spouses; indeed, whether in the midst of civil society he promotes and exalts respect for authority, it is because he wishes that men should not undermine the foundations upon which God established the family and society. Thus, the preacher, whether of young people or mature men, whether of children or parents, whether of servants or masters, appears to us once again in *iis quae sunt ad Deum* (in those things that pertain to God). Everyone understands that certain particular cases cited as examples, and certain special conditions examined, allow us to argue that, in every time, in every case, and in every condition, the true preacher must primarily attend to that which concerns God and His glory: *in iis quae sunt ad Deum*. Nor should it be thought that this concern for divine glory is left to the arbitrariness of the preacher, so that he might even neglect it; rather, we must say that it is so closely joined to the office of the preacher that, if it were lacking, the mediator between God and men would lack a constitutive element of his very essence. He who is accredited by his sovereign as an ambassador to another prince of the earth, not only strives to promote the interests and defend the reasons of his sovereign, but also seizes every opportunity to increase his esteem and prestige among those with whom he meets; he speaks of him often, often extols his merits, and always seeks to fulfill his desires, so that those who approach him say, "He is entirely devoted to his sovereign." Likewise, the good preacher must merit being called "a man of God," because he is entirely devoted to promoting God's glory and extending His kingdom in souls. To a woman of the common people, who had heard all the Lenten sermons in a principal church of Genoa, it was asked, "What is the name of the preacher?" And she, excusing herself for not knowing, simply replied: "He was a 'man of God.'" Oh! The well-deserved praise given to one who had shown him-



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self solely concerned with the glory of God and the salvation of souls; oh! The eloquent testimony that common sense gave, through the mouth of a woman of the common people, to the truth that it is the duty of preachers to be called "men of God." Therefore, it is not only the sentiment of the heart, but also the rigorous reasoning of the mind that authorizes us to greet you, O most beloved sons, with the name that Saint Paul gave to his Timothy: *tu autem, o homo Dei!* (But you, O man of God!).

[*Latin ed. p. 117*]

Acta Benedicti PP. XV 117: When I give this to each of you, My heart rejoices at the thought of the esteem and reverence with which the faithful of Rome will gather around the cathedrals, from which you, during the upcoming Lent, will proclaim the divine word, because "men of God" are to be esteemed and revered by all. But My soul also rejoices at the confidence that, during the upcoming Lent, each of you will more and more justify the name of "men of God" which I have said belongs to preachers. Saint Paul gave that name to Timothy when he wished him to be far from every cupidity: *tu autem, o homo Dei, haec fuge*; when he wished him to be eager for the triumph of justice and the reign of faith, piety, and charity: *tu autem, o homo Dei, sedare iustitiam, fidem, pietatem, caritatem*. You also, O dearest ones, keep yourselves far from every cupidity, including that which the Apostle calls "the root of all evil." This does not consist only in the unworthy pursuit of material gain; it can also include an excessive esteem for one's own natural gifts, in preference to those of others, with regard to the sacred preaching; it can include a laborious concern to exhibit oneself, a nauseating frequency of speaking of oneself and one's own affairs. The preacher who is "a man of God," and indeed precisely because he is "a man of God," keeps himself far from every kind of earthly cupidity: *tu autem, o homo Dei, haec fuge*; he does not preach himself, but Jesus Christ. And in preaching Jesus Christ, he seeks to establish the reign of justice in the threefold relationship that man has with God, with his neighbor, and with himself, *sedare iustitiam*; in preaching Jesus Christ, he seeks that faith may illuminate the path of man on earth with its splendor, *sedare fidem*; he seeks that piety may be a balm and a refreshment to those who suffer, *sedare pietatem*; and finally, he seeks that charity may remove every harshness in social life and shape, even here on earth, harmonious relationships among men, because it alone will remain in heaven, *sedare caritatem*. Oh! How sweet, how pleasing to My soul is the hope that all the preachers of the upcoming Lent, in Rome, will be able to demonstrate themselves to be true "men of God"! I wish indeed to add a final word. The Apostle Paul was not content to give the name of "man of God" to his faithful disciple only once (1 Timothy, vi, 11); he returned to give it to him again in the second letter addressed to him; but in this, he did not say it simply "man of God"; he said "perfect man of God": *ut sit perfectus



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homo Dei*. Do you not remember, however, when the Apostle used this more expressive phrase? It was when he greeted in Timothy the man who, through the study and use of the Sacred Scriptures, had become capable of every good work: *Scriptura divinitus inspirata utilis est ad docendum*.

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis - The Official Commentary should serve to instruct, to correct, and to enlighten, so that the man of God may be "perfect," instructed in every good work (2 Timothy 3:17). But also you, most beloved sons, who, as "men of God," must always cherish the divine word, must draw from the divine word, especially during the season of Lent, to obtain the four effects of preaching, which are precisely those of the study of the Holy Scriptures. You must indeed teach the doctrines of the Faith, showing yourselves prepared to teach; you must refute errors contrary to the same Faith, showing yourselves ready to argue; you must correct depraved customs and lead men to piety and justice, showing yourselves willing to correct, to instruct in justice. By doing this, you will also appear instructed in every good work. And we will have reason not only to greet you with the simple name of "men of God," but to apply to you the entire phrase of the Apostle: that the man of God may be "perfect," instructed in every good work. We are comforted in this hope also by the presence of the "parish priests of Rome." We have said before that we consider them habitual preachers, because at every time of the year they must, without interruption, among their parishioners, do what the preachers of Lent do for the people of Rome only at this time of the year. Therefore, it is their habitual duty to be called "men of God"; indeed, we believe that their example has been providentially ordained to strengthen the preachers of Lent in their purpose of always being and showing themselves to be "true men of God." But with regard to man, even if strengthened by the example of another man, the dew of divine grace is necessary, not only to be constant, but also to be fruitful. Therefore, we invoke the heavenly blessing copiously upon the preachers of the coming Lent in Rome, as well as upon the College of parish priests of this beloved city. O that the blessing of God may keep them far from that which does not befit them, *tu autem, o homo Dei, haec fuge*, and may make them diligently solicitous about that which may increase the fruitfulness of their ministry, so that God may be glorified, comfort to every class of people, spur and encouragement to good for every preacher: that the man of God may be "perfect," instructed in every good work.

[*Latin ed. p. 119*]

Sacred Congregations, Acts of the Sacred Congregations.

## SACRED CONSISTORIAL CONGREGATION



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I. CONCERNING THE DIVISION AND INCORPORATION OF THE SECUVIAN AND SALZBURGENSIS TERRITORIES.

When the Bishop of Secuvius had petitioned that a portion of the territory commonly called Fresen, belonging to the parish of Bauten, within the diocese of Secuvius, be separated from said parish and diocese, and united with the neighboring parish commonly called Seetal, within the archdiocese of Salzburg, the Most Holy Father, Pope Benedict XV, in a hearing on May 3, 1918, having heard the report of the Eminent Secretary of the Sacred Consistorial Congregation, and deeming it just, decided to grant the requested petition, and granted to the Apostolic Nuncio in Austria the authority to issue a decree concerning such a division. This decree was issued on August 21, 1918, and shall be effective from January 1, 1919.

C. CARD. DE LAI, Archbishop of Sabina, Secretary.

L. © S. f V. Sardi, Archbishop of Caesarea, Assessor.

II. CONCERNING THE DIVISION AND INCORPORATION OF THE TERRITORIES OF WŁADISLAVIENSIS (OR CALISSIENSIS) AND KIELCENSIS.

When the Bishop of Włocławek (or Kalisz), with the consent of the Bishop of Kielce, had petitioned that the faithful of the place commonly called Budnik Mały, who belonged to the parish of Koziegłony and the diocese of Kielce, be separated from said parish and diocese, and united with the rectory of the place called Starce, within the diocese of Włocławek (or Kalisz), the Most Holy Father, Pope Benedict XV, deemed it just to grant the presented petitions.

[*Latin ed. p. 120*]

Acts of the Apostolic See – Official Commentary, so the Most Reverend Consistory, by order of His Holiness, on the day of February 7, 1919, separated the parish of Budnik Maly from the parish of Koziegłony, in the diocese of Eielc, and attached it to the church or parish of Starcza, in the diocese of Włocławek.

Most Reverend Cardinal DELAI, Bishop of Sabina, Secretary.

Most Reverend V. Sardi, Archbishop of Caesarea, Assistant.

**III. DECREE CONCERNING CERTAIN FACULTIES OF ORDINARIES.**

Although, by the merciful grace of God, the conflict has been removed, and peace seems to be near, yet we have not yet attained it, and the causes for which indulgences for dispensing with impediments and for validating marriages were granted to the Ordinaries of the places still, at least in part, persist. Therefore, in order to anticipate doubts and to remove anxieties concerning this matter of such importance, His Holiness, Pope Benedict XV, ordered that the faculties granted to the Ordinaries, as this Sacred



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Congregation declares and establishes, should continue to remain in force, and that the Ordinaries should be able to use them for a full period of six months after the signing of the peace treaty between the nations that contended in the war.

Given in Rome, from the offices of the Sacred Congregation, on the 4th of March, 1919.

Most Reverend Cardinal DELAI, Bishop of Sabina, Secretary.

Most Reverend V. Sardi, Archbishop of Caesarea, Assistant.

[*Latin ed. p. 121*]

Year XI - Vol. XI, April 1, 1919, No. 5, ACTA APOTOLICAE SEDIS, OFFICIAL COMMENTARY. ACTA OF POPE BENEDICT XV. LETTER TO REVEREND FATHER REGINALD REGARDING THE TREATISE "DE PRAEDICATORUM REVELATIONE" PUBLISHED BY HIM, BY GARRIGOU-LAGRANGE.

Beloved son, greetings and the apostolic blessing. – It is wonderfully evident that the Thomistic method is efficacious both for illuminating and defending Christian wisdom, as is demonstrated in your recently published book, "De Revelatione," a copy of which you kindly presented to Us. In it, explaining matters pertaining to the fundamental part of apologetics, you employ the discipline and reason of the holy Thomas, so that you might excellently refute not only the older, but also the more recent, adversaries of the Christian faith. For since the errors of these times stem from principles most contrary to the Church, the Fathers, and the Doctors of philosophy, you rightly oppose these with the aforementioned principles, and you present the very principal of the School, the Angelic Doctor, who refutes them invincibly. Furthermore, you draw upon various passages of theology, applying them to this discussion, and you arrange everything aptly and ingeniously, so that a complete and valid defense of the divinely revealed truth may emerge. Therefore, you have produced a work of which experts hold a considerable opinion; and we hope that it will be useful, especially to the sacred youth, so that it may defend and uphold those things which are supernatural, as is necessary today. As a witness to the celestial favor and the particular benevolence of Our own, we impart to you, beloved son, the apostolic blessing.

Given at Rome, near St. Peter's, on the fourteenth day of February, in the fifth year of Our pontificate, 1919.

**BENEDICT XV, POPE.**

ACTA, Vol. XI, No. 5. – April 1, 1919.

[*Latin ed. p. 122*]

Acts of the Apostolic See - Official Commentary, to John S.R.E. Cardinal



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Csernoch, Archbishop of Esztergom, in Hungary. Beloved Son, greetings and apostolic blessing. — Many anxieties have been brought to Us by this cruel and protracted war; but nothing causes Us more concern and solicitude than the disruption of affairs that has arisen from it, which has extended not only to civil society but also to the religious affairs of nations. In particular, great matters move Us concerning those peoples from which the Austro-Hungarian Empire was composed, and which now strive individually for that form of government which corresponds to the wishes of individual nations. Since a conspicuous part of the flock entrusted to Us by divine providence is contained within these peoples, and which has always shown faith and outstanding piety towards this Apostolic See, it is easily understood that We are particularly concerned to ensure that no harm befall religion among them. Indeed, We hope that all those who govern the affairs of these states will take care, as they strive to establish peace and prosperity for their peoples, to preserve the rights and laws of the Church, if they truly desire to lay the foundations of justice in civil society and the common good. Surely, no one is ignorant of how dear internal tranquility and the well-being of nations are to the Apostolic See, and how ready it is always to devote all its efforts to that end. Moreover, in order to better achieve this, it has often entered into mutual relationships or connections with the legitimate governors of states, who have signified their desire to do so. Therefore, it is most fitting that Bishops should illustrate this inclination of the Apostolic See, demonstrating how much hope of public benefit the cooperation of both powers contains. In the exercise of the office divinely entrusted to it, the Apostolic See relies, with prudence and care, on the Bishops, as well as on the action and discipline of the clergy and laity. For that ancient enemy of the human race, Satan, taking advantage of these civil changes, seeks to undermine the solid structure of the Church and to hinder its salutary work. Therefore, We recently observed with great concern that some members of the clergy have openly and licentiously involved themselves in political affairs, and have embroiled themselves in bitter national disputes, inciting hatred among the parties, to the detriment of the dignity of the sacred ministry. But We were even more saddened to learn that some clerics have been...

[*Latin ed. p. 123*]

From the acts of Pope Benedict XV, page 123, it is written that he held assemblies, so that they might deliberate concerning the abolition of the most sacred laws of the Church. It is most vehemently to be protested against this utter neglect of duty by the bishops, so that they may be recalled to truth and soundness. Let them remember that they must be entirely subject to those "Take heed to yourselves and to the whole flock, wherein the Holy Ghost hath placed you bishops, to rule the Church of God which he hath purchased with his own blood," for, as Ignatius the martyr said,



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"those who are of God and of Jesus Christ are with the bishop" (Philad., III, 2); therefore, those who are not with the bishop are neither of God nor of Jesus Christ. We also wish to admonish them as befits a Catholic priest, who ought to lead others in restraining their desires, and yet appear to be the weakest. For this reason, the bishops must declare with the utmost vehemence that no question whatsoever concerning the law of priestly continence can be permitted from the Apostolic See, a law which is held by itself as a special ornament of the Latin Church, and a certain principal source of active virtue. Furthermore, it is necessary to consider the most inconsiderate audacity of those who dare to assert: "The goods, whether movable or immovable, of individual benefices or ecclesiastical institutions, indeed even of any pious foundations, in any way pertaining to those churches and institutions, are the inalienable property of all Catholics existing in Hungary; and the administration of these, and the right to dispose of them at will, must be transferred, not only in the designated areas, but also in other areas altogether, to so-called Catholic assemblies." With these principles, which are most alien to the priestly spirit, not only is the hierarchical order and all ecclesiastical discipline subverted, but even the very divine precepts of the Decalogue are violated. At the same time, we earnestly exhort the bishops, with all the offices of paternal charity, that each member of the clergy may devote himself to them, that they may carefully investigate his various material and moral needs, and that they may leave nothing undone in providing for them; which, we do not doubt, they already have in mind to accomplish. Moreover, let them explore what is necessary for their people in these new times, and let them advise them appropriately; and, if necessary, let them bring the matter to the Apostolic See.

These things are addressed to you, our beloved son, who, engaged in battle and conflict, we, with paternal confidence, declare to be a witness to the heavenly auspices of our works and the special benevolence of our heart, and we impart to you and to your entire flock our apostolic blessing with all our love.

Given in Rome, at St. Peter's, on the eleventh day of the month of March, in the year 1919, in the fifth year of our pontificate.

BENEDICT XV, Pope.

[*Latin ed. p. 124*]

124 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE HOLY CONGREGATIONS

SACRED CONSISTORY DECREE CONCERNING THE APPOINTMENT OF BISHOPS FOR THE ECCLESIASTICAL OFFICE IN THE CANADIAN DOMINION AND THE NEWFOUNDLAND ISLANDS.



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Among the most important affairs of the Church, the election of bishops certainly holds a prominent place. For this reason, the Apostolic See, as is its duty, has always given it the utmost consideration, and, according to the diversity of places and times, has established various methods in order to happily achieve this most desirable end. Indeed, although the method that has hitherto prevailed in the Canadian Dominion and the Newfoundland Islands, as well as in certain other regions governed by missions, has not been without its advantages, given the existing circumstances; nevertheless, today, with changing conditions, it is no longer as well suited. For, under the governance of missions, since the diocesan clergy were, for the most part, constituted by priests of some religious family, and from the same were usually chosen the prelates, the selection of persons was straightforward and did not require lengthy investigations. In the present situation, however, the investigation of persons requires longer and more careful deliberation. Therefore, it does not seem prudent, nor sufficiently useful, to convene the bishops only when, having been deprived of a bishop, the necessity of constituting a new pastor is pressing; but a wise and salutary administration requires that, in such a serious matter, the bishops should be convened in due time, that they may, with mature study, discern men worthy of such an office, and that they may propose to the Apostolic See, to which this matter must be referred, at least in a general way. Thus, it will happen that, when a see is deprived of a pastor, the Supreme Pontiff, with greater speed and fuller knowledge of the matter, will be able to decide. For these reasons, Our Holy Father Benedict XV, after first obtaining the opinion of the local Ordinaries, and after consultation with the Fathers of this Sacred Congregation, has decreed and ordered the following in this Consistory:

[*Latin ed. p. 125*]

The Sacred Congregation Consistorial, by decree 125, prescribes that, henceforth, in the Dominion of Canada and in the Islands of Newfoundland, for the purpose of proposing candidates for the episcopacy, the following procedure shall be observed and followed.

1. For the purpose of proposing priests suitable and worthy for the episcopal ministry, a gathering of bishops shall be held every two years, at a time within the period assigned. These gatherings shall be provincial, that is, all and each of the ordinary bishops of each province shall meet together. The bishops of the provinces of Kingston and Toronto, who, until now, have been accustomed to convene together for the consideration of these matters, shall retain this practice, with the senior Archbishop presiding. Similarly, due to particular circumstances in which they are involved, the ordinary bishops of the provinces of St. Boniface and Regina shall meet together with the Archbishop of Winnipeg; likewise, the ordinary bishops of the provinces of Edmonton and Vancouver, also with the senior Archbishop



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presiding.

2. The Vicars Apostolic, if time and circumstances permit, shall attend the gatherings of the bishops of their province, with the same rights as the others.

3. Every two years, as stated above, at the beginning of the season of Lent, beginning in the year 1920, all and each of the bishops shall submit to their Metropolitan or to the senior Archbishop the names of priests whom they consider worthy of the episcopal ministry. However, nothing prevents the proposal of priests from another diocese or province; it is, however, strictly required that the person proposing a candidate shall personally know him and have had prolonged dealings with him.

4. Together with the name, they shall also indicate the age of the candidate, his place of origin and his current residence, and the office in which he principally serves.

5. Before determining whom to propose, both the Archbishops and the Bishops may inquire from prudent ecclesiastical persons the necessary information, but in such a way that the purpose of this inquiry shall remain entirely concealed. They shall not disclose the information received to anyone, except perhaps in the gathering of bishops, of which more will be said below.

6. The names which the bishops propose, according to article 4, shall not be disclosed to anyone except to their Metropolitan or to the senior Archbishop.

7. The Metropolitan or the senior Archbishop, having received the proposals of candidates from his suffragans, shall add his own proposals: he shall prepare a list of all the candidates in alphabetical order, and, keeping the proposers informed, he shall send this list to each of his suffragans or coadjutors in his region, so that these may undertake appropriate investigations regarding the qualities of those whom they do not personally and certainly know.

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis - Commentarium Officiale 9. Investigationes eiusmodi earumque causa maxima secreti cautela peragendae erunt, ut supranum . 6 dictum est. Quod si vereantur rem paiam evasuram, ab ulterioribus inquisitionibus abstineant. 10. Post Pascha, die et loco a Metropolitano vel a seniore Archiepiscopo determinandis, omnes Episcopi convenient ad seligendos eos qui S. Sedi ad episcopale ministerium proponi debeant. Convenient autem absque ulla solemnitate, quasi ad familiarem congressum, ut attentio quaelibet, praesertim diariorum et ephemeridum, et omne curiositatis studium vitetur. 11. In conventu, invocato divino auxilio, praestandum erit a singulis, Archiepiscopo non excepto, tactis SS. Evangeliis, iusiurandum de secreto servando, ut



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sacratius fiat vinculum quo omnes adstringuntur: post hoc regulae ad electionem faciendam legendae erunt. Deinde unus ex Episcopis praesentibus in Secretarium eligetur. 13. His peractis, ad disceptationem venietur, ut, inter tot exhibitus, digniores et aptiores seligantur. Id tamen veluti Christo praesente fiet et sub Eius obtutu, omni humana consideratione postposita, cum discretione et charitate, supremo Ecclesiae bono divinaque gloria et animarum salute unice ob oculos habitis. 14. Candidati maturae, sed non nimium provectae aetatis esse debent; prudentia praediti in agendis, quae sit ex ministeriorum exercitio comproba; sanissima et non communi doctrina exornati, et cum debita erga Apostolicam Sedem devotione coniuncta; maxime autem honestate vitae et pietate insignes. Attendendum insuper erit ad capacitatem candidati quoad temporalem bonorum administrationem, ad conditionem eius familiarem, ad indolem et valetudinem. Uno verbo, videndum utrum omnibus iis qualitatibus polleat, quae in optimo pastore requiruntur, ut cum fructu et aedificatione populum Dei regere queat. 15. Discussione peracta, fiet hac ratione scrutinium: a) Qui omnium Episcoporum sententia, quavis demum de causa, visi sunt in disceptatione ex numero proponendorum expungendi, ii in suffragium non vocabuntur; de caeteris, etiam probatissimis, suffragium feretur. b) Candidati singuli ordine alphabetico ad suffragium proponentur: suffragia secreta erunt. c) Episcopi omnes, Metropolitano non excepto, pro singulis candidatis tribus utentur taxillis seu calculis, albo scilicet, nigro, tertioque alterius cuiuscumque coloris: primum ad approbandum, alterum ad reprobandum, tertium ad abstensionem indicandam.

Translation:

126 Acta Apostolicae Sedis - Official Commentary

9. Investigations of this nature, and those concerning them, must be conducted with the utmost secrecy, as stated above in paragraph 6. If they fear that the matter will become public, they should refrain from further inquiries.

10. After Easter, on a day and at a place determined by the Metropolitan or the senior Archbishop, all the Bishops shall meet to select those who are to be presented to the Holy See for the episcopal ministry. They shall meet without any formality, as if for a family gathering, so that any attention, especially from newspapers and periodicals, and all curiosity, may be avoided.

11. In the meeting, after invoking divine assistance, each Bishop, the Archbishop not excepted, shall swear, having touched the Holy Gospels, to maintain secrecy, so that a more sacred bond may be formed by which all are bound: after this, the rules for making the election shall be read. Then, one of the Bishops present shall be elected as Secretary.

13. After these matters have been completed, the discussion shall begin, so that, among so many candidates, the most worthy and suitable may be



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selected. This shall be done as if Christ were present and under His gaze, with all human considerations set aside, with discretion and charity, with the supreme good of the Church, divine glory, and the salvation of souls solely in view.

14. The candidates should be of mature, but not overly advanced, age; endowed with prudence in their actions, which should be proven by the exercise of their ministries; adorned with sound and not common doctrine, and joined with due devotion to the Apostolic See; and above all, distinguished by honesty of life and piety. Attention should also be paid to the candidate's capacity for the administration of temporal goods, his family circumstances, his character, and his health. In short, it must be seen whether he possesses all those qualities that are required in an excellent pastor, so that he may govern the people of God with fruitfulness and edification.

15. After the discussion, the vote shall be taken in this manner: a) Those candidates who, by the judgment of all the Bishops, for whatever reason, are deemed unsuitable and are to be removed from the list of those to be considered, shall not be called upon to vote; for the others, even the most approved, a vote shall be taken. b) The candidates shall be presented for the vote in alphabetical order: the votes shall be secret. c) All the Bishops, the Metropolitan not excepted, shall use three ballots or counters for each candidate, namely, one white, one black, and a third of some other color: the first to indicate approval, the second to indicate disapproval, and the third to indicate abstention.

[*Latin ed. p. 127*]

"§ 127. d) Singuli Antistites, sub praesidio Archiepiscopi, in urna ad hunc finem disposita, taxillum deponent, quo dignum, coram Deo et graviter onerata conscientia, sacerdotem aestimabunt qui in suffragium vocatur: reliquos taxillos binos in urna alia, pariter secreto, deponent. e) Suffragiis expletis, Archiepiscopus, adstante Episcopo Secretario, taxillos et eorum speciem coram omnibus numerabit, scriptoque adnotabit.

16. Scrutinio de omnibus peracto, liberum erit Episcopis, si id ipsis placeat aut aliquis eorum postulet, ut inter approbatos plenis aut paribus suffragiis novo scrutinio designetur quinam sit praeferendus. Ad hunc finem singuli suffragatores nomen praeferendi in schedula adnotabunt, eamque in urnam deponent: schedularum autem examen fiet, ut supra numerum 15, littera e, decernitur.

17. Quamvis vero Summus Pontifex sibi reservet, dioecesi vel archidioecesi aliqua vacante, per Delegatum Apostolicum, aliove modo, opportuna consilia ab Episcopis vel Archiepiscopis requirere, ut personam eligat quae inter approbatas magis idonea videatur dioecesi illi regenda; nihilominus fas erit Episcopis in eodem conventu indicare, generali saltem ratione, cuicum dioecesi candidatos magis idoneos censeant; exempli gratia, utrum exiguae, ordinatae ac tranquillae dioecesi, an potius maioris mo-



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menti, unius vel alterius sermonis, vel in quaplura sint ordinanda aut creanda; itemque utrum loco mitioris aeris et facilis commeatus, an alterius generis, et alia huiusmodi.

18. Episcopus a secretis, discussione durante diligenter adnotabit quae de singulis candidatis a singulis suffragatoribus dicentur, quaenam discussionis fuerit conclusio; denique quinam tum in primo scrutinio, tum in secundo (si fiat) fuerit exitus, et quidnam specialius iuxta art. 17 fuerit dictum.

19. Antistites a conventu ne discedant, antequam ab Episcopo Secretario lecta fuerit relatio ab eodem confecta circa nomina proposita, candidatorum qualitates et obtenta suffragia, eamque probaverint.

20. Actorum exemplar ab Archiepiscopo, a Praesule a secretis et a ceteris Episcopis praesentibus subsignatum, quam tutissime ad Sacram hanc Congregationem per Delegatum Apostolicum mittetur. Acta vero ipsa penes Archiepiscopum in Archivo secretissimo S. Officii servabuntur, destruendatamen post annum, vel etiam prius, si periculum violationis secreti immineat.

21. Post haec, fas tamen semper erit Episcopis, tum occasione propositionis candidati tum vacationis alicuius Sedis, praesertim maioris momenti, litteras Sacrae huic Congregationi vel ipsi SSmo Domino con-

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis - To write an official commentary, in which they may explain their views concerning the qualities of persons, whether absolutely or in relation to the provision of said Seat. Given in Rome, from the offices of the Sacred Congregation Consistorial, on the 19th of March, 1919. )$l C. CARD. DE LAI, Bishop of Sabina, Secretary. L. % S. f V. Sardi, Archbishop of Caesarea, Assistant. SACRED CONGREGATION OF THE COUNCIL OF WROTSLAWIEN. CONSTITUTION OF ECCLESIASTICAL TRIBUNALS, December 14, 1918 - To the Most Reverend Bishop of Wratislaw, two doubts are presented concerning the constitution of the ecclesiastical tribunals of that diocese. Firstly, whether it should be permitted that lay experts participate in ecclesiastical tribunals with a deliberative vote in matrimonial and contentious cases (excluding, of course, criminal cases), according to the practice which, as is said, has prevailed there by custom for 170 years. In the second doubt, a similar question is raised regarding the participation of lay experts, skilled in law and in sacred canons, who should participate in ecclesiastical judgments as Auditors to investigate cases (excluding criminal cases) or as Assessors with an advisory vote. FACTS OF THE CASE. In substance, this is the history of the facts, as it can be gathered from the documents presented in the records: 1° Never has the Apostolic See granted permission for laypersons to participate in any ecclesiastical judgments as true judges with a deliberative vote; but this practice originates from the secularization that occurred in Prussia, from



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which the diocesan tribunals were suppressed, and then, from 1812, they were indeed restored, but with subordination to civil power, a subordination which was especially achieved through the involvement of lay judges. 2° What is based on Pontifical concession is only that in that diocese there are the second and third instances of appeal, as granted by Pope Benedict XIV through a decree.

[*Latin ed. p. 129*]

The Holy Congregation of the Council, in the form of a Brief of paternal piety, dated August 1, 1748; and in the second and third instances, it was granted "that lay assessors or ecclesiastical and secular experts in sacred canons may be added to the assistance," but that they "must be excluded from any deliberative or decisive vote." These last concessions were made for a decade by a Brief of Pope Pius IX, with paternal charity, on January 12, of the year 1855; and then, by another Brief in the year 1864, they were extended for another decade. But at the end of this second decade, they do not appear to have been extended further; and the reason for this may perhaps be sought in the persecution known as the *Kulturkampf*, during which the Bishop was forcibly expelled by the Government. Certainly, neither the petition nor the granting of the extension is found in the mere notification of the names of the judges chosen for the synod, which is first made to the Nunciature at Vienne, and then to the Holy Congregation of the Council.

OBSERVATIONS. - The Reverend Consultor, who has written about this matter, believes, first of all, that it is not at all a legitimate, nor one that should be tolerated in the future, to admit laymen as true judges with a deliberative vote. To prove this, he appeals to the texts of the Decretal laws and to the prescriptions of the Code of Canon Law. Indeed, according to the Decretal laws, laymen are completely excluded from the office of judge in ecclesiastical causes, to which their incompetence is absolute and in every way (cap. X, de iudic, II, i; cap. 18, X, de foro compet., II, 2). Absolute incompetence is held to be that of one who does not even have jurisdiction; but laymen have no ecclesiastical jurisdiction, which is necessary to decide ecclesiastical causes; rather, they are not even capable of having it, but are completely incapable, and such incapacity can only be removed by a special and extraordinary provision of the Roman Pontiff in a particular case (cf. Schmalzgr., I, tit. XXIX, n. 14; II, tit. I, n. 83 § 1). But such an extraordinary and miraculous provision, which would permanently grant laymen spiritual jurisdiction to decide ecclesiastical causes, is not contained in the documents attached, but rather, in them, laymen are constantly excluded from having a decisive vote, as is clear from the words quoted above. Moreover, it is manifest that the Code requires that all judges be clerics, indeed, even priests (can. 1573, § 4, 1574, § 1). No less clearly, the Code states the principle of ecclesiastical public law, by which the Church claims



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the right and exclusive power to know about spiritual and related matters (can. 1453), which, therefore, must be decided by judges endowed with spiritual jurisdiction, in which laymen are not capable.

[*Latin ed. p. 130*]

130 Acta Apostolicae Sedis -• Official Commentary. If a case is presented to the Bishop of Breslau in such a way that the intervention of lay judges in deciding ecclesiastical causes through deliberative suffrage would have a basis in a custom of 170 years, this title cannot in any way be considered legitimate. For, setting aside the law of the Code and insisting on the law of the Decretals, under which that custom arose, it is certain that, at a legitimate time, rights, even spiritual ones, can be acquired through custom; but, in order to acquire spiritual rights, capacity in the subject is required above all; now, laypersons are incapable of spiritual jurisdiction, therefore they cannot acquire it through custom at any time (cap. 7, X, de praescript., II, 26). Furthermore, in law, such a custom is disapproved of, so that it cannot prevail, namely, the custom by which "the nerve of ecclesiastical discipline is broken," that is, by which the observance of good morals is hindered or the order of the ecclesiastical hierarchy is subverted (cap. 5, X, de consuet., 1. 4; Reiffenstuel, in hunc tit., n. 56, 57; Suarez, De legibus, lib. 7, cap. 6, n. 8 s q.). Now, such a subversion is considered to be the usurpation of spiritual jurisdiction by laypersons. Also, a custom that is contrary to ecclesiastical immunity and freedom is disapproved of, so that a custom contrary to ecclesiastical freedom, even if immemorial, if it is the only one, and is not supported by any privilege or claim of an Apostolic privilege, cannot derogate from ecclesiastical immunity or freedom (Reiffenstuel, 1. c, n. 81 sq.). This disapproval is expressly stated in cap. 1, 3, 5, X, de consuet., I, 4; also in cap. 14, X, de electione, I, and in cap. 8, X, de iudiciis, II, 1. Now, it is manifestly contrary to the freedom, independence, and immunity of the Church that this, in judgments concerning ecclesiastical and spiritual matters, should remain subject to any intrusion of secular power and lay judges, by whom ecclesiastical causes are decided. Furthermore, the question of the force of custom is a question of private law, insofar as it concerns laws relating to the internal governance of society. But in the case where the intrusion of secular judges into ecclesiastical causes was made through the usurpation of civil power, as appears from the brief history in the aforementioned factual situation; in this case, the question is no longer a question of private law, but a question of public law, i.e., of the independence of the Church from civil power. In a question of public law, it cannot even be conceived that there would be legal consent of the superior ecclesiastical legislator, which is necessary for a custom to pass from the way of prescription to a custom of law: in such a case, such consent would contain an illicit approval of the usurpation, and would therefore result in "that through a fortunate factual injustice, legitimate harm could



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be inflicted on the sanctity of the law" (Prop. 61 ′ damn. in Syll. Pii IX). To such a legal consent, moreover, it is scarcely possible to attain for another reason in such a case.

[*Latin ed. p. 131*]

The Holy Congregation of the Council, in case 131, holds that this can be the case, because indeed, ecclesiastical superiors, when they do not resist violations committed by secular power, do so solely to avoid greater evils, not with the intention of approving them. Furthermore, if the participation of secular judges in deciding ecclesiastical matters arises from the usurpation of civil power, and if this usurpation is perpetuated by the force of its secular and profane jurisdiction, then secular judges, by the force of secular and profane jurisdiction, would have a part in deciding ecclesiastical and spiritual matters; which claim is entirely unreasonable and therefore cannot fall under the approval of the ecclesiastical legislator, although it may, by itself, at least temporarily and for a specific act, delegate spiritual jurisdiction to a layman. Hence, it is clear that the proposed custom deserves no other name than abuse, and therefore must be annulled, so that the ecclesiastical tribunals may have their freedom and independence restored. Regarding the other question, whether in the future, laymen, skilled in law and canon law, may be admitted as Auditors to conduct cases, or as Assessors with an advisory vote; it cannot be denied that the practice prevailing in the diocese of Breslau was, in its origin, legitimate, since it was introduced by a Pontifical indult contained in the brief of Pius IX (in the year 1855) and extended for another decade in the year 1864. However, no further extension is found to have been made, and therefore the granted favor must be considered to have ceased from the year 1874. Therefore, since the new Code requires that both Auditors and Assessors be priests, drawn from the ranks of synodal judges (canons 1575, 1581), it would seem that a negative answer must also be given for the future, under the discipline of the law introduced by the Code. Nevertheless, it must be noted that in the law of Decretals, it was not prohibited that Assessors be drawn from laymen, but rather it was permitted. This is commonly deduced by Doctors from chapter 11, on rescripts, I, 3, in 6°; cf. Reiffenstuel, book II, title 1, no. 22; Bouix, de iudic, I, page 468; Wernz, Ius Decret., VI, no. 148. The reason for this is that an Assessor should not exercise any jurisdiction, of which laymen are incapable. But, for the opposite reason, an Auditor, to whom the instruction of the case is entrusted, exercises ecclesiastical jurisdiction, without which many acts of the instruction of the case cannot be carried out; therefore, laymen are incapable of performing the duties of an Auditor (cf. the encyclical letter of the Holy Congregation of Immunity, October 3, 1832, and the response of the same Holy Congregation, March 4, 1855; Bouix, op. cit., page 463; Wernz, op. cit., no. 141). From these things, it seems that even



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in the diocese of Breslau...

[*Latin ed. p. 132*]

132 Acta Apostolicae Sedis - The official commentary cannot, with regard to the future, admit that laymen be employed as Auditors to instruct ecclesiastical causes, because the concession made to them by the Curia, after the year 1874 in which the indulgence concerning this matter expired, was not renewed; furthermore, by custom, it cannot be that a layman obtains spiritual jurisdiction. Regarding Assessors, although the reason concerning the non-renewed concession may hold, nevertheless, since the other reason concerning the necessity of spiritual jurisdiction ceases, and moreover, it has not been prohibited by the law of the Decretals to admit laymen to the office of Assessor, it could be urged for the Curia of Fermo that the custom, which is more than a century old, be maintained; therefore, according to the prescription of canon 5, it can be concluded that this custom, although contrary to the Code, can be tolerated if the Ordinary judges that it cannot prudently be removed. Nevertheless, it is clear that many inconveniences may arise in many circumstances if laymen are taken as advisors by an ecclesiastical judge. For, besides the fact that laymen, even those skilled in canon law, do not always possess sound and firm principles concerning the power of the Church, it seems that, if such counsel is entered into, the perfect independence of the Church in its affairs is obscured; and certainly, lay judges do not take priests as advisors or assessors for deciding on civil and secular matters; furthermore, it is fitting that there should be more priests who are well versed in both canon and civil law, to whom ecclesiastical matters, or those which have some connection with civil law, should be reserved; on the contrary, it seems incongruous with the dignity of the Church that it should require the services of lay legal experts for deciding ecclesiastical causes. From all of this, it seems that even with regard to the second doubt, a negative answer should be given, namely, that laymen cannot be admitted as Auditors or Assessors.

RESOLUTION: Furthermore, at the plenary meetings of the Holy Congregation of the Council, held in the Apostolic Palace at the Vatican on December 14, 1918, the doubts presented by the Bishop of Fermo were as follows:

I. Can the custom, which has been used for 170 years, whereby legal experts are admitted in the tribunals of the diocese of Fermo with a deliberative vote in matrimonial and contentious causes – always excluding criminal cases – be considered legitimate and tolerated henceforth?

II. Can laymen, who are skilled in law and in canon law, in the future be admitted to ecclesiastical judgments as Auditors to instruct cases, other than criminal cases, or as Assessors with an advisory vote in those cases



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which are in some way connected with civil laws?

[*Latin ed. p. 133*]

The Most Holy Congregation of the Council, having considered the matter, judged that a response should be given: Negatively to both. Concerning the aforementioned matters, a report was presented to His Most Holy Lord Benedict, Divine Providence, Pope, by the undersigned Secretary of the Sacred Congregation, and on the following day, the 15th of the same month, His Holiness approved and confirmed the resolution.

## I. SECRETARY.

## SACRED CONGREGATION OF RITES

### IN ROMA

DECREE CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, ANNA MARIA TAIGI, MOTHER OF A FAMILY, OF THE THIRD ORDER OF THE MOST HOLY TRINITY, REDEEMER OF CAPTIVES.

"WHEREAS, with the virtues and the approval of two miracles still in doubt, it is possible to proceed safely to the solemn beatification of the aforementioned Venerable Servant of God.

The cause for the beatification of the venerable Servant of God, Anna Maria Taigi, which, if one were to judge from outward appearances, might seem to be of little significance, has at long last reached its conclusion. For, just as the condition of the Venerable herself was modest and humble, so too does the cause for her beatification present a modest and humble appearance; but, examined closely and thoroughly, it reveals merits of outstanding and great importance, such as those which sanctity necessarily demands, and which are clearly demonstrated in her married life.

Although, as is the nature of beatification, the public and ecclesiastical veneration which results from it remains attached to only certain places and churches, nevertheless, the cause for the beatification of the venerable Anna Maria Taigi cannot be confined to such narrow limits, and extends far beyond them, since it pertains equally to all Christian wives and mothers. Indeed, it is scarcely necessary to say that those to whom a biography of the Servant of God falls into their hands, or who, in any other way, learn of her virtues, actions, and works, will find them to be..."

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis - The official commentary will provide suitable encouragement for more diligently fulfilling the various and numer-



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ous duties of the domestic institute, and also for enduring with unwavering patience and fortitude the burden of cares, labors, and sorrows that the arduous office of wife and mother of a family often entails, an office which, especially for the proper and Christian upbringing of children and daughters, is closely joined and connected, and whose fate, as everyone prudently understands and firmly believes, is inextricably linked. Therefore, this matter of such great importance and weight; it springs forth from a unique cause and bears a distinctive mark; it was deliberately undertaken and its actors were carefully selected, when, after obtaining the approval of the Commission, as they say in everyday language, and after other, meanwhile, minor judgments had been concluded, regarding the heroic virtue of the aforementioned individual, a discussion began some years ago. Indeed, through the industry and diligent work of the Patron, it became clear and evident that the venerable Handmaid of God had perfectly and holily fulfilled all the duties that were proper to her way of life; therefore, she is worthy to be presented as an example to wives and mothers, so that, the larger the group of people who can fruitfully take her as a model, and the greater the good that is expected to result for the entire Christian people, so much the more reason there is to consider the importance and suitability of this cause, especially since it is also established that divine testimony, in the form of miracles, has been added, by which her merits and virtues were confirmed, having already preceded human judgment. Thus, the legal proceedings have progressed so favorably and successfully that, in order to formally obtain Beatification, nothing more is required, according to the established formulas of judgment, and furthermore, the present course of public affairs and of people greatly suggests how beneficial it would be to present the example of wives and mothers, such as the Handmaid of God Anna Maria Taigi, before their eyes, among many others with glorious names inscribed in the annals of the Church, with whom the illustrious city of Rome, bound to the Apostolic See, is connected; and to this, the auspiciousness of today's event adds further honor, since the Handmaid of God Anna Maria Taigi was born in Rome, although as a young girl she was forced to move from there due to the serious difficulties that her parents were experiencing in their family affairs. For this reason, she set out with her parents on a long and arduous journey to Rome, and upon arriving there, she was entrusted to the care of the Pious Masters, who at that time were near the church of Saint Francis of Paula on the Esquiline Hill, and she was instructed there in the school of the fear of the Lord, and she was educated as a young woman.

[*Latin ed. p. 135*]

135 The Holy Congregation of Rites, having been informed of the life, which was fitting for a young woman, a wife, and a mother of a family, who was subsequently exercised in labors, illuminated by virtues and charisms,



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and who lived a pious life, decided to introduce the cause of her beatification. Therefore, the citizen of this blessed City, being such, was constantly held in high esteem by all, especially since, after her precious death, discussions began regarding the initiation of the cause of beatification; nothing, at that time, was undertaken without the prior and expressed authority of the Cardinal Vicar of the City, and with his special intervention. By the Rescript of the Most Holy Pope Pius IX, the care of the cause was subsequently entrusted to the most deserving Order of the Most Holy Trinity, dedicated to the redemption of captives, to which she, while she lived, had professed herself as a tertiary of the Divine Family, and which now rejoices, justly and deservedly, in the diligence and skill with which it has carried out this task, and has received a worthy reward. Indeed, in the general assemblies of the sacred Order, which were held on the aforementioned day of February, before the Most Holy Pope Benedict XV, the following question was proposed by the Most Reverend Cardinal Anthony Vico, the Relator of the cause: Whether, with the approval of virtues and two miracles, it is safe to proceed to the solemn beatification of the venerable Servant of God, Anna Maria Taigi? All those present, both the Most Reverend Cardinals and the Consultor Fathers, unanimously responded that it is safe to proceed. However, the Most Holy Pope, as if anticipating, delayed opening his mind, so that a suitable time might be provided for prayer; and when that time had arrived, he decided to make his decree known on this present Sunday of the first week of Lent. Therefore, having appeased God with sacred rites, he wished to summon the Reverend Cardinal Anthony Vico, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, along with the undersigned Secretary, and in their presence, he solemnly declared: It is safe to proceed to the solemn beatification of the venerable Servant of God, Anna Maria Taigi. He ordered that this Decree be published, be inserted into the records of the Sacred Congregation of Rites, and that apostolic letters, in the form of a Brief concerning the solemn beatification, be prepared to be promulgated, if it should be possible, in the Vatican Basilica, on the seventh day before the Ides of March, in the year 1919.

E.A. CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the Congregation.

L. S. Alexander Verde, Secretary.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis - Official Commentary II, PARIS. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, LUDOVICA DE MARILLAC, WIDOW OF LE GRAS, FOUNDRESS OF THE SOCIETY OF THE DOLLS OF CHARITY. CONCERNING THE QUESTION of what miracles are to be considered



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in this case, and to what effect, it is difficult to find among the religious families, which God has raised up throughout the long and varied course of centuries, to be a support and ornament to His Church, and to bring a considerable benefit to the entire human association, one that can be compared to the Society of the Dolls of Charity, which has earned its name through acts of charity. Indeed, their number exceeds thirty thousand, and they are wonderfully spread and propagated throughout almost all parts of the world, in colleges, orphanages, nurseries, hospitals, prisons, *castris*, even among soldiers fighting in battle, completely imbued with the spirit of their profession, and so diligently and religiously perform the various duties of their profession, that they have earned and continue to earn the admiration of all. As was recently observed and marveled at, even during the most terrible war that filled the world with such bitterness, ruins, and bloodshed. These conspicuous benefits that have flowed and continue to flow from the pious Society of the Dolls of Charity to human society are certainly a cause for joy, and it is fitting to remember them with a grateful heart, although it is difficult to speak of the beginning and origin of this Society without spontaneously recalling the two founders: one, a most holy man, whose renowned name is Vincent de Paul; the other, a distinguished disciple and spiritual daughter, a partner and companion in works and labors, to whom this Apostolic Decree pertains, namely, the Venerable Ludovica de Marillac, widow of Le Gras. She, in the sixteenth century, that is, in the year one thousand five hundred and ninety-one, on the twelfth day of the month of August, was of noble

[*Latin ed. p. 137*]

The Congregation of the Daughters of Charity, founded in Paris, displayed remarkable zeal and a profound dedication to serving humanity and the arts; and it is noteworthy that, even from a young age, the Venerable Servant of God experienced within herself a certain seed of a religious vocation. Therefore, as soon as she began to grow, she desired to join the religious community of the Capuchins; however, since all the nuns were required to remain within the cloister, strictly adhering to the law of enclosure, which the Council of Trent had even commanded to be observed with greater rigor. But, far from yielding, her conscience, which was not swayed by external circumstances, led her to the most distinguished man in the religious order of the Capuchins, a Venerable Servant of God, Honoratus, of Paris, renowned for his sanctity and whose cause for beatification had been entrusted to the Sacred Congregation several years prior, and who had already passed the preliminary stages of investigation, in order to determine whether he had possessed heroic virtues. Indeed, foreseeing the future destiny and the service that awaited the Servant of God, he discouraged her from entering religious life; and as a result of this, when a noble and honorable young man, Anthony Le Gras, offered her marriage, she



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accepted, and from this union, she also had a child. For more than ten years, she proved to be an excellent example of a wife and mother, especially when her husband was afflicted by a serious illness from which he eventually died. Thus, freed from the bonds of marriage and having regained her freedom, the Venerable Servant of God took the vows of widowhood, and subsequently dedicated herself to Vincent de Paul, who at that time was cultivating a rich harvest of charity, and she became involved in almost all of the works that he undertook for the benefit of both the spiritual and temporal welfare of her neighbors; and, with him as her guide and teacher, she began, a few years later, to lay the foundations for a new Society of Charity for young girls. Given her singular nature and character, she must have realized that it was not by chance, but through the wise and provident counsel of God, that she had not undertaken this work sooner, but rather that she had been taught about the miseries of humanity through the double experience of marriage and widowhood, in which she would often have to find herself as a member of the new Society. And those who know this will readily understand that God Himself deigned to confirm the sanctity of His Servant, Louise de Marillac, through miracles, as the Angelic Doctor teaches: "True miracles cannot be performed except by divine power; for God works them for the benefit of mankind, and in two ways: first, by ACTS, vol. XI, n. 5. — 1-4-919. 10

[*Latin ed. p. 138*]

Acts of the Apostolic See - Official Commentary 138, concerning the confirmation of the truth: in another manner, in order to demonstrate the sanctity of someone whom one wishes to propose as an example of virtue (2, 2, question 178, article 2). Indeed, among the various events, which, through the intercession of the same venerable Handmaid of God, are said to have been divinely brought about, three healings in particular have been discovered; and these are to be attributed to the wonder of her true name, as a prolonged and acute discussion has shown, which was held four times: first, on the matter under consideration in the preparatory Congregation; second and third, in the two subsequent preparatory Congregations; and finally, in the general Congregation, which, on the eleventh day of last February, was convened before the Most Holy Pope Benedict XV; and in that Congregation, the Most Reverend Cardinal Vincent Vannutelli, the Relator of the cause, proposed the following question for discussion: "Concerning which miracles does it consist, in the case under consideration, and to what effect?" The Most Reverend Cardinals and Fathers Consultors, each in turn, gave their votes, and, with joyful minds, the Most Holy Pope, with prayers, ordered that he himself might be enlightened by the Spirit of wisdom and counsel to pronounce the ultimate judgment. Finally, in order to accomplish this, he designated this, the first Sunday of Lent. Therefore, the Divine Host was fervently offered, and the Most Reverend Cardinals



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Anthony Vico, Bishop of Portuen and St. Rufina, Prefect of the Congregation of Sacred Rites, and Vincent Vannutelli, Bishop of Ostia and Preneste, Dean of the Sacred College, and Relator of the cause, together with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, together with the undersigned Secretary, were summoned, and, in their presence, he solemnly declared: "It is established that there are three miracles; namely, the first, 'of the instantaneous and perfect healing of Joseph Mary Heleut from an acute purulent otitis with perforation of the eardrum, and other osteítis and periostitis associated with phenomena in the mastoid region'; the second, 'of the instantaneous and perfect healing of the sister Mary Ferrer and Nin from compressive myelitis after a trauma'; and the third, 'of the instantaneous and perfect healing of Rosa Curio from a fistulous ulcer.'" He ordered that this decree be made public and recorded in the acts of the Congregation of Sacred Rites on the seventh day before the Ides of March in the year 1919.

A. CARD. VICO, Bishop of Portuen and St. Rufina, Prefect of the Sacred College.

S. ALEXANDER VERDE, Secretary.

[*Latin ed. p. 139*]

139. Holy Congregation of Bishops, Third Session, BRESIA. DECREE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, LUDOVICO PAVONI, PRIEST AND FOUNDER OF THE CONGREGATION OF THE DAUGHTERS OF MARY IMMACULATE. At the beginning of the nineteenth century, it is known to no one how greatly the triple flame of passions, the hatred of the wicked, and the war against the true Church of Christ and its faithful children raged; and how the merciful and omnipotent God, in response to the afflicted groans and prayers of this holy Mother's offspring, provided necessary and opportune help through holy men and women to defend and vindicate the cause of truth and justice before God and before men. Among these chosen men was Ludovico Pavoni, from Brescia, born on September 11, 1784, of a noble family. In those calamitous times, he had parents, Alexander and Leiiam Poncarali, who were renowned for their religion and piety, and who spared no effort to ensure that their beloved son grew in age and virtue. At the age of eleven, he received his First Communion with great devotion. He combined his keen and versatile intelligence with studies of literature, and also acquired skills and knowledge in painting, architecture, and mechanics. Having been instructed in all these things, he foresaw with good hope the future establishment of a new religious family for the benefit of Christian and civil education of boys and young men, as he had been encouraged to do in his early years. It is the unanimous opinion, both spoken and written, that Ludovico, from his childhood, displayed angelic virtues, that he alleviated the distress and poverty of



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the poor and abandoned, that he appeased God, offended by the sins of men, through the suffering of his own body, fasting, and constant prayer. Called by the Lord, and entering the clerical state, he learned the sacred disciplines from the learned man, Father Dominic Ferrari, of the Order of the Friars Preachers, who later became the Bishop of Brescia. In dogmatic and moral theology, he demonstrated his study and progress more often through accurate answers to difficult and obscure questions that were proposed to him. He received the tonsure and minor orders in 1803, and was promoted through the ranks to the two higher orders, and finally, in 1807, on February 21, he was invested with the dignity of the priesthood. For the first five years, he offered himself spontaneously to assist the parish priests, who gladly accepted his help in the sacred ministry and found him to be very useful through catechesis, homilies, and other forms of preaching.

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis - Official Commentary. Then and subsequently, the broad scope of his apostolic labors was evident in the Oratories which, with the consent and license of the Ordinary Bishop, were established in various places, with Ludovico as the founder, benefactor, or director, for the spiritual and material benefit of youth, especially from the lower classes. Besides the Oratory in the town of Alfianello, where the Servant of God spent time with his parents during periods of rural retreat and vacation, other notable Oratories are remembered, namely those of Saint Lawrence, of Saint Euphemia, of Saint Aloysius, of Saint Thomas the Apostle, and of Saint Ursula, whose Oratory was later moved to Saint Mary of the Passion, in a building purchased by the most generous Bishop Gabrio M. Nava, who also chose Ludovico as his secretary, a role in which the Servant of God performed with singular diligence and prudence. Ten years after his priestly ordination, due to his outstanding merits, he was elected and appointed a canon of the Cathedral Church of Brixiensis, diligently and devoutly serving in the choir, at sacred offices, and in the administration of the sacraments. Simultaneously, on July 1, 1818, he was entrusted by the Bishop of Brixiensis, with the approval and consent of the municipality, with the office of rector of the church of Saint Barnabas. While diligently attending to the sacred functions with solemnity and with the frequent attendance of the people in this church, he opened, in a contiguous building, a home of refuge and a school of arts and trades for abandoned and orphaned boys, so that, along with religion, they might also learn a skill to provide for their livelihood. This work, along with the building itself, was soon expanded to such an extent that, in 1836, it was able to admit orphans, and in 1840, deaf and mute boys and adolescents, for appropriate instruction, in a separate building. To further consolidate this institution and its various works, the Servant of God, among the



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first, or indeed the very first, with the approval and encouragement of the Bishop of Brixiensis and with the blessing and praise of the Supreme Pontiff Gregory XVI, and with the help of divine grace, founded a religious family consisting of selected priests and laymen, who, bound by simple vows of poverty, chastity, and obedience, dedicated themselves to the common good, contributing in various ways. These priests, in particular, held the direction of the Institute and its works, both in spiritual matters; the others were more involved in the trades and were either foremen or art instructors. After overcoming various and prolonged difficulties, finally, in 1847, this association, to which the name "Congregation of the Sons of Mary Immaculate" was given, was approved by ecclesiastical and royal authority. Then the Servant of God solemnly relinquished his canonical benefice, and donated all his possessions to the new association by legal instrument. Soon afterwards, he put on the religious habit and made religious profession; and the first members also made their simple vows in his presence. The Most Reverend Cardinal Mai, on January 21, 1848,

[*Latin ed. p. 141*]

The Holy Congregation of Rites wrote a letter to the Servant of God, offering the highest congratulations and praise for his sacrifice in renouncing his canonical position and the cession of his temporal goods, in order to embrace the religious life, for the love of Christ and in imitation of Him, a sacrifice to be exchanged for spiritual consolations and eternal joys. Such sacrifices and examples, the writer adds, are recognized, approved, and offered only by our Holy Church. Meanwhile, Lewis completed the entire work, both of the Institute and of the Congregation, with a growing number of members and with the help and divine grace. From this, many virtuous and zealous men, and numerous workers and artists well-instructed in religion and in the arts, have emerged and continue to emerge, becoming excellent citizens and fathers of families, according to the words of the Divine Redeemer: "Even so every good tree bringeth forth good fruit, and the evil tree bringeth forth evil fruit." Indeed, the Servant of God appeared to excel in priestly and apostolic virtues, not only within the interior of the Institute, the Congregation, and the Brescia diocese, but also in neighboring places and dioceses. He himself, and through his members, spread the complete Catholic faith and fervent love for Jesus Christ, the Virgin Mary, and the Church and the Apostolic See, using also the powerful and useful instrument called "la buona stampa" (the good press). Finally, when war was raging in the city and region of Brescia, Lewis received his companions and children into his home. He was seized by a brief but serious illness, which worsened, but, having received the sacraments of the Church with great devotion, and comforted by the presence and charity of his companions, he breathed his last in the Lord on April 1, 1849, uttering the words: "Fiat voluntas Dei" (Let the will of God be done). Solemn funeral rites were



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celebrated with great attendance and piety by the people. His body was first transferred to the Seianum cemetery, and thirty days later to another in Brescia. Twelve years later, it was brought to the church of St. Barnabas, belonging to the religious family of the Sons of Mary Immaculate, where, since 1898, it rests in peace in a chapel built above the ancient presbytery. Thus, the fame of sanctity which the Servant of God acquired in life, after his death, has been confirmed more and more each day by the testimony of many, opening the way for the conduct of Informative Inquiries, with the ordinary authority of the Bishop of Brescia. After these were completed and submitted to the Congregation of Rites in Rome, and with everything being before them, and after a review of the writings of the Servant of God, nothing prevents the proceeding to further steps, urged by the Most Reverend Lord John Biasiotti, cleric of the Reverend Camera Apostolica and promoter of this cause, and with attentive letters from some of the Most Reverend Cardinals and numerous Most Reverend Archbishops and Bishops, as well as Chapters of Churches in Cattolica.

[*Latin ed. p. 142*]

Acts of the Apostolic See - Official Commentary, concerning 142 superiors general of religious orders or congregations, and other men of ecclesiastical or civil standing, at the request of the Congregation of the Sons of Mary Immaculate and the city of Brixiensis, the Most Reverend and Reverend Cardinal Franciscus de Paula Cassetta, Bishop of Tusculanus, of the same cause, as Promoter or Relator, in the assemblies of the Congregation of Sacred Rites, convened on the aforementioned day at the Vatican, proposed the following question for discussion: Should a Commission for the introduction of the cause be appointed, in this case and for the purpose under consideration? And the Most Reverend and Reverend Fathers presiding over the Sacred Rites, after the report of the aforementioned Promoter, having heard the voice and the written statement of the Reverend Father Angelo Mariani, General Promoter of the Faith, and having carefully considered all matters, judged it fitting to respond: That a Commission for the introduction of the cause should be appointed, if it pleases the Most Holy. On March 11, 1919. Subsequently, these matters were reported to the Most Holy Lord, our Pope Benedict XV, by the undersigned Cardinal, Prefect of the Congregation of Sacred Rites, and His Holiness, having approved the decree of the aforementioned Sacred Congregation, deigned to sign with his own hand the Commission for the introduction of the cause of beatification and canonization of the Servant of God Ludovicus Pavoni, priest, Founder of the Congregation of the Sons of Mary Immaculate, on the 1st of the same month and year. A. CARD. VICO, Prefect of the Portuensis and Rufinensis dioceses, and of the Sacred Brotherhood. S. ALEXANDER VERDE, Secretary. IV. CONCERNING THE VOTIVE MASS OF THE MOST HOLY SACRAMENT, OR FOR PEACE, WHICH IS TO



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BE OMITTED IN THE PRAYERS OF THE FORTY HOURS, ON THE DAY COMMEMORATING ALL THE FAITHFUL DECEASED. By the Apostolic Constitution *Incruentum Altaris* of our Most Holy Father Benedict XV, dated August 10, 1915, the exposition of the Most Holy Sacrament for the Forty Hours is permitted even on the day commemorating all the faithful deceased. However, Masses for the repose of the soul, with the vestments of the priesthood in the color of violet, are not to be celebrated at the altar of exposition.

[*Latin ed. p. 143*]

The Holy Congregation of Rites, 143. By the same Constitution and the subsequent declaration or Decree of the Holy Roman Church, dated February 28, 1917, the Commemoration of all the faithful departed is equated to a solemn feast of the primary rite of the first class. With these premises stated, the following is asked: Is it still permissible to celebrate a single solemn Mass of the Holy Sacrament, or of the Peace, as mentioned in the Clementine Instruction and in the general Decree of the Holy Roman Church, number 3864, dated July 9, 1895, paragraph 4, for the Forty Hours prayer, when the day of exposition or reposition, or the middle of the exposition, falls on the day of the Commemoration of all the faithful departed? The Holy Congregation of Rites, after hearing the opinion of a special Commission, and having diligently considered the matter presented, decided that the answer is: No, and for the following reason: "In churches where the Forty Hours prayer is recited on the day of the Commemoration of all the faithful departed, with the Holy Sacrament solemnly exposed, such exposition should follow, and the reposition should precede the sung Mass of the day of the Commemoration of all the faithful departed." And the same Holy Congregation, with the approval of His Holiness, our Lord Pope Benedict XV, thus decreed, declared, and ordered to be observed. February 26, 1919.

[Signature] A. CARD. VICO, Archbishop of Porto and Santa Rufina, Prefect of the Holy Office. Alexander Verde, Secretary.

ALBENGA. The Reverend Ordinary of the Diocese of Albenga humbly requested a solution from the Holy Congregation of Rites to the following doubt: Whether, in consideration of the Apostolic Constitution *Incruentum Altaris Sacrificium*, dated August 10, 1915, on the Commemoration of all the faithful departed, it is permissible to sing a Mass for the deceased, in the presence of a corpse?

[*Latin ed. p. 144*]

Acts of the Apostolic See - Official Commentary, 14th Edition. The Sacred Congregation of Rites, having heard the vote of a special commission, after careful deliberation, decided to respond as follows: Affirmative, according to the rubrics and decrees. Furthermore, the Mass should be one of the three Masses celebrated in commemoration of all the faithful departed:



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and to the Prayer of the Mass, the Prayer for the deceased should be added, under a single conclusion. And thus it responded and declared, on January 10, 1919. Most Reverend Cardinal Vico, Bishop of Portuen and of Saint Rufina, Prefect of the Sacred Congregation. Reverend Father Alexander Verde, Secretary.

VI. VICARIATES APOSTOLIC. GABON. CONCERNING BLESSINGS AND SACRAMENTALS FOR CATECHUMENS.

Reverend Lord Ludovicus Martrou, of the Congregation of the Holy Spirit, titular Bishop of Corycens, and Apostolic Vicar of Gabon, respectfully requested of the Sacred Congregation of Rites: "Whether the blessings, primarily intended for Catholics, which, according to canon 1149 of the Code of Canon Law, may also be given to catechumens, should also be understood to pertain to public sacramentals, and therefore, may catechumens be admitted to the imposition of ashes, the tradition of candles, and of palms?"

And the same Sacred Congregation, having heard the vote of a special commission, after careful deliberation, decided that the response should be: Affirmative. And thus it responded and declared, on March 8, 1919. Most Reverend Cardinal Vico, Bishop of Portuen and of Saint Rufina, Prefect of the Sacred Congregation. Reverend Father Alexander Verde, Secretary.

[*Latin ed. p. 145*]

The Holy Congregation of Rites, number 145, section VII, concerning a doubt regarding the expression of the name of the presiding minister in the Canon of the Mass.

From Canon 294 of the Code of Canon Law, where it is written, "Vicars and Apostolic Prefects shall possess the same rights and faculties within their territory as do resident Bishops within their own dioceses, unless something has been reserved by the Apostolic See," a question arose, and was proposed to the Sacred Congregation of Rites for a suitable declaration, namely: "Whether it pertains to Vicars and Apostolic Prefects, by new law, within their own territory, to be named in the Canon of the Mass?"

And the Sacred Congregation itself, having heard the opinion of a special Commission, and also considering canons 2 and 308 of the Code of Canon Law, and all things considered, judged that the answer should be "No," according to the rubrics and decrees; because, according to the law currently in force, in the Canon of the Mass, after the words "our presiding minister," only the name of the Patriarch, Archbishop, and Bishop who are the ordinaries of the place, and within their own diocese, are to be mentioned.

And thus it was written and declared, on March 8, 1919.

[Signed] A. CARD. Vico, Bishop of Portuense and Rufinae, Prefect of the



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Holy Roman Church.

[Signed] L. S. Alexander Verde, Secretary.

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE SACRED ROMAN ROTA

### I. ORDINARY CASES

Under the pontificate of Pope Benedict XV, in the fourth year of his reign, on the 6th of February, 1918, the Most Reverend Fathers, Doctors John Prior, Aloysius Sincero, and Frederick Cattani Amadori, acting as judges *de turno*, in the case of Annecy - Finium Parochialium, between the parish priest of Viuz-Faverges, the appellant, represented by his legitimate procurator, the Reverend Father Carmel Conte, advocate, and the parish priest of Faverges, the respondent, represented by his legitimate procurator, the Reverend Father Nazaren Patrizi, advocate, pronounced the final judgment in the second instance.

It is established that in the place of Viuz, in the diocese of GenÃ¨ve, there was formerly a monastery to which the parochial care of the village of Viuz, later called Viuz-Faverges, near the place of Faverges and the surrounding territory, belonged. In the year 1513, by a bull of Leo X, the parochial church of Saint John the Baptist at Viuz was united with the chapel of Faverges to the Chapter of the church of Our Lady in the city of Annecy, with an instituted Rector in Viuz, who administered the actual care of the entire parish. As time passed, the number of faithful in the village of Faverges increased, and the prosperity of the industries there did not seem to provide adequate provision for the care of souls. Therefore, a transaction was initiated between the parochial community and the Annecy Chapter in the year 1763; this was approved two years later by the Bishop, whereby, in place of one perpetual vicar, two would be instituted, independent of each other, who would administer the two distinct parts of the parish, one residing in Viuz and the other in Faverges, to each being assigned a proportionate share of the fruits of the land, especially those to be received, while the Chapter retained the habitual care of the entire parish. This state of affairs lasted for almost forty years, when, as is well known, under the Concordat of Napoleon, all religious houses in Sabandja Su were suppressed, and each Bishop...

[*Latin ed. p. 147*]

The Roman Rota, in Decree 147 (Article IX, Concordat), determined that a new delineation of parishes within its diocese must be established, which could only be brought to fruition after obtaining the consent of the Govern-



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ment. The Bishop of Chambéry and Geneva, the Most Reverend Monsieur Renatus de Merinville, in the year 1803, in accordance with Article IX of the Concordat, established two parishes in the locations of Faverges and Viuz-Faverges, respectively, which would henceforth be independent not only from each other, but also from any other parish, truly and properly distinct parishes. There was no discord between them regarding parochial boundaries until the end of the ninth decade of the century, when a railway was constructed by the Annecy government to the town of Albertville, which passes through the open field between the town of Faverges and the village of Viuz-Faverges, where previously there were no inhabitants. A station was built under the name of Faverges, facing the town of that name, and other buildings were constructed on the surrounding land. Both pastors claimed the right to administer the sacraments to the new inhabitants. To remove the scandal caused by the daily conflicts between the pastors, the Bishop, in the year 1899, ordered that, until the matter was resolved by the competent authority, and so that no prejudice would be done to the rights of either pastor, the territory between the southern gate of the Faverges cemetery and the railway line towards the parochial church of Viuz-Faverges should be considered to belong to the latter. In the following year, 1900, namely, when the pastor of the town of Faverges was promoted to another position, his successor, the Reverend Monsieur Naire, on April 14, 1901, in a meeting of the Church Council, affirmed the right of the parish to the aforementioned territory, although he did not pursue any legal action to assert this right. After his death in 1909, the current archpriest of the parish of Faverges, the Reverend Victor Henry, having barely begun his duties, decided to raise the issue of the boundaries. After an investigation, and having heard both sides, the Ordinary, finding the boundaries between the two parishes to be uncertain, and exercising the authority granted to him by the Council of Trent, Session 24, Chapter 13, to the Ordinaries, established definite boundaries by decree on May 16, 1914, determining that the dividing line between the two parishes would be the new railway line from the point where it leaves the parish of Saint Columba, up to the local road number 16, which is located on the western side of the village of Viuz; then, this line follows the railway to the bridge called "D'Englannaz"; from there, it follows the road leading to the village of Favergettes, up to the bridge of that name; then, it follows the course of the Saint Rulph Torrent, up to the point where it receives the waters of various streams called "de Combaptême," "de Bellecombe," and "de Chancobert": this stream's course constitutes the dividing line, up to the road called "de PréRondeau," which also marks the final section of the division, up to the mountain called "de la Motte."

[*Latin ed. p. 148*]

148 Acta Apostolicae Sedis -r Official Commentary. The parish of Viuz



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Faverges, believing that a considerable portion of land had been unjustly taken from it, and which it considered to rightfully belong to its parish, appealed to the Sacred Congregation of the Council. After investigating the matter, the Congregation decided that the dispute should be resolved according to proper legal procedure, and ordered that the case be heard in the first instance before the tribunal of the diocesan curia. The archpriest of the parish of Faverges, acting with due diligence, brought the other parish priest before the tribunal of the curia, and on September 28, 1916, a judgment was rendered, which slightly modified the boundary line described in the decree of the Ordinary, namely, that the railway line should be maintained as the boundary line up to the road No. 18, called "Fin de Viuz," and that it should continue along that road to the road "de Lettraz" and the chapel of the Annunciation; from there, it should follow the local road No. II, "from Favergettes to the Chapel of the Annunciation," up to the cross called "de Favergettes," and from there to the stream of Saint Rulphi, following its course up to the streams called "de Combaptême," "de Bellecombe," and "de Chancobert," which mark the final section of the boundary up to the mountain "de la Motte." The parish priest of Viuz Faverges did not accept the judgment of the curia, because it excluded a new railway station with its surrounding buildings from his jurisdiction, and he appealed to this Holy Order. Therefore, the following question, signed by both parties, is to be resolved: How should the boundaries between the parishes of Viuz Faverges and Faverges be determined with respect to the land, as mentioned in the judgment of the diocesan curia of September 28, 1913? First of all, it should be noted that the topographical plan of the disputed land, used by the Reverend Auditors in discussing the matter, is the authentic one prepared for the purpose of the lawsuit. Since each litigant presented their own plan of the land independently, which were partly inconsistent with each other, and omitted certain names or places or houses about which the witnesses spoke, so that the meaning of the testimonies remained obscure, the Reverend Prefect ordered that a single plan of the land be prepared, signed by both parties, which should contain four boundary lines: the first, namely, that described in the decree of the Ordinary; the second, defined by the diocesan tribunal; the third and fourth, respectively requested by the parties in the appeal. He also requested that the location of all places, houses, etc., whose names appeared in the testimonies of the witnesses, be indicated on the same plan. The Reverend Ordinary of Annecy ensured that the Prefect's order was carried out to the letter. Before we inquire into the merits of the case, it is necessary to determine the legal position of the parties, from which it will be clear to whom the land in question belongs.

[*Latin ed. p. 149*]

The Roman Rota bears the burden of proof. Indeed, the present dispute



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arose from a Decree of the Ordinary, by which the boundaries of the parishes, which he had found to be uncertain after an investigation, were defined. It is undoubtedly within the power of the Bishop to determine the parochial boundaries where they are uncertain, as decreed by the Council of Trent, Session 24, De Reformatione, Chapter 13: "In those cities and places also where the parochial churches do not have certain boundaries... the Holy Synod commands the Bishops... to assign to distinct people certain and proper parishes, and to each a perpetual and particular parish." The pastor of Viuz-Faverges appealed against this decree to the Holy Congregation of the Council, which decided that the matter should be resolved not only administratively, but also according to the order of judgment, for which it had no jurisdiction, and therefore remanded the appellant to the diocesan tribunal. The appeal of the pastor remained, but the seat of the appeal was changed by the act of the Holy Congregation; and thus, against the Decree of the Ordinary, for which the presumption of law holds, the appealing pastor may prevail, provided he can prove that the boundaries of his parish were previously certain before the decree that altered them, to the detriment of his own parish. The burden of proof cannot be rejected in the case of the Archpriest, the opposing party, simply because he, acting with greater diligence, brought the pastor who was appealing against the Bishop's Decree before the tribunal, since it is established by law that the more diligent party has the right to summon the opposing party to judgment, whether he is the plaintiff or the defendant, without prejudice to his own legal position. The pastor of Faverges, however, requests nothing else, either in the first instance or on appeal, than that the Decree of the Bishop be upheld. Therefore, it is necessary that the pastor of Viuz-Faverges prove that an unjust burden has been imposed upon him by the Decree of the Ordinary, so that his parish loses land that was previously within the certain boundaries of that same parish. Indeed, the aforementioned pastor proved this in the first instance with respect to a certain tract defined by a line drawn by the Ordinary; for the road that leads from the Chapel of the Annunciation to the "cross of Favergettes" is said to constitute the certain boundaries of the parish of Viuz-Faverges on that side. First and foremost, the presumption of certainty supports these boundaries, which is evident to anyone examining the topographic map, arising from the fact that this road almost directly connects an undisputed part of the parish, namely the village called "Favergettes," with the parochial church at Viuz. Indeed, an expert surveyor, R. Berger, testifies that, according to the cadastral plan or map of 1731, this was the only road that led from the village of Favergettes to the parochial church of Viuz: "According to the cadastral plan or map of 1731, the road that goes from the parochial church of Viuz to the hamlet of 'Favergettes,' passing



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by the Chapel of the Annunciation, is the..."

[*Latin ed. p. 150*]

From the Apostolic See - Official Documents: "The only road that existed at that time between this village and the parish church of Viuz, to which it belonged spiritually." Witnesses recount that the parish of Viuz has, from ancient times, followed this road in its Rogation processions: thus testifies Constantinus Marchand, who is sixty years of age: "As a choirboy, I attended the Rogation procession made by the parish priest of Viuz along the route of the Annunciation at Favergettes." This is confirmed by witnesses Philibertus Dussolier, Reverend Father F. J. Chomety, and others. On the other hand, no positive testimony is presented of any jurisdiction or parochial care exercised by the parish priest of Faverges over the territory beyond this road. Nor can the public and peaceful use of this road by the parish of Viuz be understood as a mere active servitude in the territory of another, namely, the parish of Faverges, as the patron of that place contends. For it must first be proven that before the Decree of the Ordinary, this part of land belonged to the aforementioned parish; for a servitude is not held except in another's property; and this is not proven. Reverend D. Gerfeaux, who served as a vicar in the parish of Faverges from the year 1863 to the year 1870, testifies that the parish priest of Faverges at that time never claimed that the boundaries of his parish extended beyond the Chapel of the Annunciation: "The Chapel of the Annunciation," he says, "can and should be considered as a point terminus, and this is almost undeniable. I never heard Mr. Marullaz express the claim of extending the boundaries of his parish further." Therefore, even in the hypothesis that there was no authentic division between the two parishes by lines, but only by villages, this tract of land should be considered to belong to the parish of Viuz-Faverges; provided that it lies within the villages of that parish, and there the jurisdiction of the parish priest of Viuz has been constantly exercised, and not at all by the parish priest of the other place, Faverges. Furthermore, the parish priest of Viuz contends that the boundaries of his parish continue from the Chapel of the Annunciation to the southern gate of the cemetery of Faverges: and this, he believes, is especially proven by the ancient custom, reported by several witnesses, and confirmed by certain documents, concerning funeral processions, which, whether they originate from the parish church at Viuz towards the town of Faverges, or vice versa from the church of the town of Faverges towards the parish church of Viuz, used to stop at the southern gate of the aforementioned cemetery, and there give way to the procession of the other parish, which continued to accompany the body to be buried towards its own church. Some witnesses do testify to exceptions to this rule, but, after considering everything, it



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must be said that there is sufficient evidence of the fact of the custom.

[*Latin ed. p. 151*]

A. The Roman Rota, 151. What, then, about its interpretation? Certainly, custom ordinarily establishes a presumption of the existence of a boundary between parishes in a particular locality, where parochial processions meet each other, constantly and peacefully yielding to one another. But this presumption must yield, not only to truth, but also to another, stronger presumption. Indeed, between the place where the processions meet and the Church of Viuz lies the entire parochial cemetery of the town of Faverges, so that, if the dividing line, which the pastor of Viuz requests in the appeal before the N. Tribunal, were admitted, the parochial cemetery of the town of Faverges would be entirely contained within the territory of another parish. On the contrary, it is to be presumed that the parochial cemetery is included within the territory of its own parish, unless otherwise clearly proven, which is not the case here. This cemetery was established in the year 1823, and there is no record in the parochial archives, nor of any permission requested from the pastor of the town of Faverges, nor of any protestation made by another parish, as testified by Father Chaumontet, formerly pastor of the town of Faverges. Nor is there any trace of a similar protestation having been made in any way in the records. The cemetery was expanded in the year 1879, without permission being requested from the pastor of the town of Viuz, and without any protestation being made by him. It must therefore be presumed that the establishment of the cemetery of the town of Faverges, and its expansion, both made without the permission of the pastor of the other town, did not infringe upon any right of that parish, and that, accordingly, the parochial territory of the town of Faverges extends by right beyond the place where the processions meet. The peaceful possession, for nearly centenaria, by the parish of Faverges, of this land, used for the purpose of a parochial cemetery, is evident proof that it is not contained within the limits of the parish of Viuz. Furthermore, it should be noted that the presumption based on the place where the parochial processions meet is valid only to the extent that it is assumed that the parishes themselves are distinguished from each other by dividing lines; it is, however, more likely to be said that the parishes of the towns of Faverges and Viuz-Faverges were never authentically distinguished by dividing lines, but only by districts, which were called "sus-portes" and "sous-portes," the former belonging to the parish of Faverges, and the latter to the parish of Viuz-Faverges. The reasons for this well-founded opinion are as follows: 1) There is no written record that even indirectly indicates a distinction between the parishes by dividing lines. 2) In the transaction begun in the year 1763, or in the episcopal decree of the year 1765, by which the ancient parish of Viuz was first divided into two vicarages, which were reunited by the Bishop under the law of the Concordat, carried out in the



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year 1803, into the present-day, true, and distinct parishes of Faverges and Viuz-Faverges, no mention whatsoever is made of a linear division, but the language is...

[*Latin ed. p. 152*]

1. The *Acta Apostolicae Sedis* contains an official commentary, which deals only with the parishes (”deshameaux sus-portes et sous-portes”), which are respectively assigned to each Rector or parish Vicar. However, if a division had been made by lines, that is, by roads, etc., such that the boundaries were contiguous to both parts of the divided parish, this would certainly have been recorded in the document, which minutely describes the rights and obligations of each part. From the omission of such a mention, it is probably concluded that the division was not made by lines.

2. The third reason is that, assuming a division by parishes, insofar as it is opposed to a division by contiguous boundaries, it can be understood how, without the request or grant of superior authority, and without the protestation of another parish, new houses built near the gate of the town of Faverges and the ”stone cross” in the district called ”Quartier des Granges,” were subject to the determined and exclusive jurisdiction of the parish priest of Faverges: for they belong to the parish, and therefore, as an accessory, they pertain to the principal part, or the parish itself. Indeed, several witnesses from both sides have testified, speaking of a tradition received from their ancestors, about successive changes made in the boundaries of the parish of Faverges on the side of this town, facing the parish of Viuz; they say that the gate of the town was originally the boundary, then the ”stone cross,” and finally the southern gate of the cemetery. However, they cannot assign any legitimate intervention of authority, or a specific time when this change was made. In the hypothesis of a linear division between parishes, such changes cannot be understood, because the boundaries of a parish, once certainly fixed, cannot be prescribed or changed except according to the law and with the formalities prescribed by law. However, in the hypothesis of a division by parishes, it is easily explained, since each parish priest exercises exclusive jurisdiction over the parishes subject to him and their accessories, while in the area between the two parishes, each parish priest administered the sacraments promiscuously to the few inhabitants who lived there. The houses newly built near the parish were considered to be part of the parish, and therefore were exclusively subject to the parish priest of that parish. Therefore, the hypothesis of a division by parishes is more probable than the one made by lines. But in such a hypothesis, as is evident, the place where funeral processions of both parishes customarily meet ceases to be a sign of the contiguous boundaries of the parishes, since, in this hypothesis, contiguous boundaries do not actually exist. Finally, what the witnesses say about the tradition of the elders regarding the line of division shows



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that this tradition was not constant regarding fixed and certain boundaries between the two parishes.

[*Latin ed. p. 153*]

153 The Roman Rota concludes that the parish priest of Viuz-Faverges has not proven that certain boundaries of his parish existed between the Chapel of the Annunciation and the parish of Saint Columb, and that, therefore, with regard to this portion of land, the designation of boundaries defined in the Decree of the Ordinary must be upheld, as is maintained in the judgment of the first instance. Specifically, the dividing line must follow the road from the parish of Saint Columb to the road number 18, called "Fin de Viuz," by which it must be led to the road "de Lettraz" and the Chapel of the Annunciation; from there, it must proceed, as is indicated in the judgment of the first instance, namely, by the local road number 11, up to the cross called "de Favergettes," and then to the Torrentera of Saint Rulphi, following its course up to the stream variously called "de Combaptême," "de Bellecombe," "de Chancobert," which marks the final section of the division, up to the Mount "de la Motte." Having considered all of these things, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, decree, declare, and definitively judge, answering the proposed question: That the boundaries between the aforementioned parishes of Viuz-Faverges and Faverges, with respect to the land, are to be determined according to the limits defined in the judgment of the Diocesan Court dated September 28, 1916; We further decree that the judicial expenses are to be borne equally by the parties. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals, to whom it pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV, De Reform., of the Council of Trent, employing the executive and coercive means that are most effective and appropriate for the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 5th of February in the year 1918. Ioannes Prior, Presiding. Aloysius Sincero. L. S. Frederick Cattani-Amadori. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary. ACTA, vol. XI, n. 5. — 1.4-919. 11

[*Latin ed. p. 154*]

154 Acta Apostolicae Sedis - Official Commentary II PARIS. NULLITY OF MARRIAGE (LOUBBRY-RISLER) Under the blessed reign of Pope Benedict XV, in the fourth year of his pontificate, on July 9, 1918, the Most Reverend Fathers, Doctors Seraphinus Manu, Ponens, and Aloysius Sincero, Auditors of Tournon, in the Parisian case concerning the nullity of marriage, between Margaret Loubery, an actress, represented by her legitimate procurator, the advocate Nazaren Ferrata, and Andrew Risler,



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in an appeal against the sentence of the Reverend Tribunal of Paris, with the defender of the bond intervening and arguing in the case, rendered the following definitive sentence. Margaret Loubery, a Catholic girl, residing with her parents in Paris, in the parish of Our Lady of Graces of Passy, entered into a marriage contract in 1904 with Andrew Risler, a young man devoted to the Protestant sect, residing in another parish in Paris. Furthermore, having duly obtained from the Parisian Tribunal a dispensation regarding the impediment of mixed religion, they celebrated their marriage on June 26, 1906, in the church of St. Lewis of the Invalides, whose rector, the Reverend Meuley, blessed the marriage. As frequently happens in such mixed marriages, the marriage had an unhappy outcome. Therefore, the woman, in order to regain her freedom, petitioned the Parisian Tribunal with a suppliant petition, requesting that her marriage with Andrew Risler be declared null, alleging that, in fact, the priest, the Reverend Meuley, who officiated at the marriage, was neither the proper parish priest of either of the spouses, nor had he received a delegation from the Ordinary of Paris, nor from the proper parish priest of either of the spouses. Indeed, the Parisian Tribunal, with a sentence dated May 22, 1917, declared the marriage null on the grounds of clandestine marriage. Since the defender of the bond of Paris appealed against this sentence, the case has now come before the Sacred Congregation under the usual question: Whether the nullity of the marriage can be established in this case. * Regarding the law. - According to the law in force at the time when the aforementioned marriage was contracted, it is certain that a marriage is null when it is celebrated "otherwise than in the presence of a parish priest, or another priest."

[*Latin ed. p. 155*]

The Roman Rota has decreed (155) that, for a marriage to be valid, the license must be obtained either from the parish priest or the Ordinary, and with the presence of two or three witnesses (Council of Trent, Session XXIV, Chapter I, Concerning the Reform of Marriage). This permission from the parish priest can be divided in two ways: it can be general or special; a general permission is given either for the exercise of the entire pastoral care, or for the administration of all sacraments, or for the celebration of all marriages; a special permission is given for the celebration of this particular marriage. Furthermore, the permission can be either express, tacit, or presumed: it is express when it is manifested in writing, or by words, or by gestures that are equivalent to words; it is tacit when the parish priest, knowing that an external priest is assisting or will assist at the marriage, remains silent, when he could easily contradict; it is presumed when the parish priest is in such a state of mind that, if a priest were to ask him for permission to assist, he would grant it; therefore, this permission is called presumed, because the parish priest is presumed to have granted it, if it



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were requested. It is not sufficient for the validity of a marriage that permission is given in an open manner; indeed, permission is given, but in fact it is not given, because it is not requested. As for tacit permission, some authors deny that it is sufficient; but the truer and more common opinion holds that it is sufficient. Indeed, the sufficiency of this permission is nothing other than the application of the well-known rule of law, in Volume I, page 43: "He who is silent appears to consent." According to Reiffenstuel, in the title "On the Rules of Law," in this rule, number 4: "He who is silent appears to consent in a favorable sense; but he who is silent in prejudicial matters, then appears to consent when, by contradicting or expressly dissenting, he could easily prevent what is being done, and no indication to the contrary appears." Barbosa also states this in the same title "On the Rules of Law," in this rule, number 15: "It should be known that he who, being aware and present, is silent, demonstrates by that very silence his own consent, unless a legitimate presumption to the contrary is given;... the reason is that he who is silent when he could dissent, demonstrates by that very silence that he also agrees." Furthermore, as Reiffenstuel adds (loc. cit., number 5), this is confirmed in Chapter 7, "On what is done by the Prelate, etc.," where, from the mere fact that he does not contradict, he is considered to be consenting: "If, with the knowledge and without contradiction of the chapter, a concession of the decima is made, it must have firm validity." Therefore, if the parish priest, knowing that an external priest is assisting at the marriage, remains silent, when he could easily contradict, and there is no presumption to the contrary, for example, from words or gestures, he gives tacit permission; and this tacit permission, according to the truer and more common opinion, as we have said, is sufficient for the validity of the marriage. Thus Sánchez, *De matrimonio*, Book III, Chapter 35, number 20. Thus also Benedict XIV.

[*Latin ed. p. 156*]

156 Acta Apostolicae Sedis - Official Commentary on the Decrees of the Church, Institutiones Eccles., Inst. 33, n. 2; herein, it discusses those who are detained in prisons for an indefinite period, and who do not acquire a domicile or quasi-domicile there, and are therefore not subject to the parish priest of the place where the prison is located; however, marriages begun before this parish priest are declared valid by Benedict XIV, because the tacit permission of the local Ordinary, namely the Archbishop of Bononiensis, was not lacking: "In order that the marriages already begun may be considered ratified and firm, it suffices if the same [Ordinary] has not been ignorant of them, indeed, if he has been informed of them and therefore has permitted them, he [namely, the Archbishop], who at that time wisely administered this Church, as the Council of Trent asserted in these words: "Those who, otherwise than in the presence of the parish priest, or another priest, obtain the license of the parish priest or Ordinary..." etc., where,



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for the validity of said marriages, Benedict XIV requires only that the Ordinary have knowledge of the marriages and have tolerated them: these two constitute tacit permission; for it is understood that the Archbishop could easily have contradicted. Thus, also, Pichler, in tit. De clandestina desponsatione, n. 22, ad 4: "Whether tacit permission suffices, or merely the silence and non-contradiction of the parish priest, knowing that another is present or will be present, is a matter of controversy: Fagnan, Bonacina, and inclines Sporer (Demonstratio, n. 245) deny it; others, with Sánchez (lib. III, disp. 35, n. 20, 21), Gobat, Palao, etc., affirm it more readily and commonly; because in those things which are of slight prejudice, and at the same time favorable, such as marriage, knowledge and patience operate consent, and a true, actual, tacit license..." Indeed, it is rightly presumed that the parish priest is present and consenting, who could easily dissent and contradict, if he consents; according to caput 43, De regulis Iuris, in VI: "He who is silent seems to consent." Many authors have followed these authors, e.g., Engel, in tit. De clandestina desponsatione, n. 15; Schmalzgrueber, in eumd. tit., n. 194-195; Rosset, De matrimonio, n. 2232, t. IV, p. 153, etc. Some authors deny that such tacit permission is sufficient for the validity of marriage, e.g., Fagnan, in caput Quod nobis, % De clandestina desponsatione, n. 31, 33, with due consideration of the resolution of the Holy Congregation, which reads as follows: "Whether, as a priest who is not the proper parish priest of the contracting parties, he can join them in marriage, is it sufficient that tacit permission results from tolerance? The Holy Congregation judged that it is not sufficient, but that either a general commission to administer all the sacraments is required, or, if this is not present, a special and express license." However, although this decision is given without date or year, it should be noted that it was not an impediment to the aforementioned authors, and also to Benedict XIV, teaching that tacit permission is sufficient. Emus Gasparri {De

[*Latin ed. p. 157*]

The Roman Rota, in Decree 157 concerning marriage, number 1134, volume II, pages 164-165 (edition 3), after having defined tacit consent in this manner: "Consent is tacit, that is to say, when the parish priest or Ordinary, 'being present not in the act of marriage, but knowing that a priest is assisting,' can easily contradict, and remains silent," states that the opinion given by Sánchez and others, as mentioned above, is truer and more common; nevertheless, considering the aforementioned decision of the Holy Congregation of the Council, it hesitates, adding these words: "If it concerns a marriage to be contracted, the opinion of Fagnani must be followed; if it concerns a contract, one must maintain the value of marriage." Some authors give a different definition of tacit consent. Thus, Wernz states that consent is legitimate if given "tacitly through actions that truly conclude" (Ius matrimoniale, number 180, ad III, edition 1904). Therefore, according



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to him, tacit consent arises not from silence and taciturnity (as all the aforementioned authors say), but from actions that truly conclude. Similarly, Aichner, in Compendium iuris ecclesiastici, § 192, note 13, edition 1905; and Tauber, in Manuale iuris canonici, § 152, question 2°, edition 1908. However, this consent would more properly be called express, or quasi-express, because it is expressed, not indeed through words or writings, but through actions; as the well-known saying goes: "Actions are more powerful than words"; therefore, Barbosa states (Axiomata iuris, axiom 27, number 3): "Actions are stronger in demonstrating the intention (that is, the intention of a person) than words"; and the Holy Rota has also decreed several times "that actions are to be more carefully considered than words"; and "that actions, no less than words, speak for themselves"; Decree 151, number 24, Part X; Decree 328, number 10, Part XVIII, volume I; see also the notes to Decree 131, number 254 and following, Part VIII. Therefore, it is clear that this tacit consent is sufficient for the validity of the marriage, and there can be no difficulty in this regard. Hence, before the marriage, if there is a lack of written or verbal consent, it is advisable for the priest not to proceed with the celebration of the marriage, unless he has such consent; but, if the marriage has already begun, even if this quasi-express consent is lacking, the marriage cannot be declared null, unless the accuser proves that there was also lacking the so-called tacit consent; because, as has been said, according to the truer and more common opinion, this consent is sufficient to safeguard the value of the marriage, especially after the fact. Regarding the facts: In order for the accuser to prevail, she must prove that the Reverend Meuley, who was not the parish priest of either of the spouses, blessed the marriage without the consent of the Ordinary or the proper parish priest. As for the Ordinary, it can easily be conceded that his consent was not required, both because of the clear and firm assertion of the Reverend Coriton, in his testimony, at point 4, and because of the practice of the Parisian court, namely, that...

[*Latin ed. p. 158*]

158. Acta Apostolicae Sedis – The official commentary allows (unless expressly stated otherwise) the granting of permission to assist at a marriage with a dispensation regarding an impediment to marriage; as to the use of this, the aforementioned Reverend Goriton speaks in his response to item 4, and it has already been done in another case in Paris, on March 24, 1911 (cf. Acta Apostolicae Sedis, vol. III, pp. 328-330). Furthermore, with regard to the parish priest of the groom, one should not insist too much; since the groom was addicted to the Protestant sect, he had no dealings with the parish priest, nor did he request anything from him on the occasion of the marriage, not even the publication of the banns, which should have been omitted in Paris, in the parish of the non-Catholic groom (cf. Statuts Synodaux du diocèse de Paris, year 1902, no. 482, pp. 300-301); therefore,



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it is likely that the groom's own parish priest, namely, the parish priest of the church of Our Lady of Passy, never heard of this future marriage. Remaining is the parish priest of the bride, that is, the parish priest of the church of Our Lady of Passy, and his first vicar; for it is known in Paris that the first vicar, with regard to marriage matters, is assimilated to a parish priest. Therefore, the plaintiff must prove that she did not receive from the parish priest or the first vicar of that church any express or tacit permission to celebrate the marriage. As for express permission, there is no mention of it in the marriage document; the dispensation regarding mixed religion granted by the Ordinary of Paris is mentioned; however, there is no trace of any permission that might have been given to the Reverend Douvain, or to the first vicar, the Reverend Protois. Nevertheless, it cannot be concluded that the groom's parish priest did not grant express permission, at least verbally. It is known that parish registers of baptisms, marriages, and burials, etc., do not constitute proof except with regard to the principal fact of baptism, or marriage, or burial; with regard to other matters or accessory acts, e.g., the qualities of the person baptized, deceased, etc., the aforementioned registers constitute only a presumption. Nor should it be said, in this case, that permission to celebrate the marriage is not an accessory matter, but rather a principal and substantial one, and therefore the argument is not valid; for, whatever it may be, it cannot be denied that an argument derived from omission is a negative argument, and a negative argument or omission has never constituted, nor can it constitute, proof, because sometimes this omission can be attributed to various causes, e.g., forgetfulness or mere "inadvertence," or false persuasion (e.g., in the case that the mention of permission is not considered necessary), etc. Therefore, Pallotti observes (Collectio Resolutionum S. C. C. vol. Matrimonium, § 16, no. 22; vol. XIII, p. 261) that the omission of the delegation in the marriage document or attestation does not affect the validity of the marriage: "Nor does it matter if the delegation is not found in the marriage book."

[*Latin ed. p. 159*]

S. Bomana Bota 159: "Having been transmitted to the Curia and examined, it could have occurred through the negligence of the parish priest; from which nothing can be inferred against the validity of the marriage." Therefore, from the omission of the express mention of the license in the marriage, concerning which we are speaking, there arises only the presumption of a license not granted. Indeed, in this case, this presumption is eliminated by other presumptions to the contrary; for the Reverend Meuley, in his testimony at 5, states that he was accustomed to requesting a delegation, and adds that the parish priest, Reverend Douvain, of whom he had been a vicar, and with whom he was still on excellent terms, never refused him a delegation; hence, in this case, the omission of the granted license should be attributed to forgetfulness: "M. Douvain, of whom I had



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been a vicar, and with whom I remained in excellent terms, never refused a delegation for a marriage to be celebrated at the Invalides... If the delegation was not mentioned, it is obviously a mistake on my part, because I was in the habit of requiring a delegation." It cannot be said that the Reverend Meuley considered himself competent, with regard to this marriage; for, on the contrary, in the marriage certificate, he accurately states the places in which, at the time of the marriage, the spouses resided; hence, he knew perfectly well that neither was subject to him. Therefore, it has not been proven, in this case, that the express license of the parish priest was lacking; much less has it been proven that a tacit license was lacking. Indeed, from the records, it is demonstrated that this tacit license was present, which, as stated in the exposition of the law, is sufficient to assert the validity of the marriage. A tacit license is present, as is also stated there, when the parish priest knows that an external priest is assisting at a marriage or will be assisting, and remains silent, when he could easily contradict. Furthermore, from the records, it is clear that the Reverend Protois, the first vicar, knew perfectly well that the Reverend Meuley would be assisting at the marriage in question. For, in the protocol of the publication of said marriage, and in the book of masses to be celebrated (which two documents are preserved in the archives of the parish church of Passy), it is clearly written that the marriage of Loubery-Risler was to be celebrated in the church of the Invalides, of which the rector was the Reverend Meuley; and these words, as if written by his own hand, were recognized by Mr. Protois, in his second testimony, at 3. Elsewhere, Mr. Protois, if he had not wanted the marriage to be celebrated in that place, could easily have used the authority with which he possessed as first vicar, to protest and contradict. For the Reverend Meuley was not a Prelate or Superior, from whom anything could be hoped or feared. Since, therefore, Mr. Protois remained silent, by this very fact he granted the Reverend Meuley a tacit license to celebrate the marriage in the church of the Invalides. This is, so to speak, a classic case of a tacit license.

[*Latin ed. p. 160*]

160 Acta Apostolicae Sedis - Commentarium Officiale. Notandum est quod silentium non praebet licentiam taciturnam, quando parochus scit quidem alium sacerdotem matrimonio assistere aut astiturum, sed simul credit hunc sacerdotem esse competentem, quia putat illum esse aut parochum proprium, aut aliunde legitime delegatum; tunc enim tacet parochus, sed de concedenda licentia ne cogitat quidem, nec cogitare potest; ideoque non adest licentia tacita; et hoc negari nequit (cf. Gaspar, De matrimonio, n. 1135, t. II, p. 165, edit. 3). At, in nostra specie, Rev. Protois, primus vicarius, putabat non poterat Rev. Meuley esse competentem ad celebrandum dictum matrimonium; ipse enim scripsit libellum supplicem in quo Curia petebat pro sponsis dispensationem super mixta religione,



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et in quo describit loca ubi sponsi tunc habitabant; quae loca posita sunt extra fines in quibus capellanus ecclesiae de Invalides suam iurisdictionem exercebat; insuper prae manibus habuit, ut infra videbitur, rescriptum Curiae, in quo concedebatur dicta dispensatio super mixta religione, sine ulla mentione delegationis ad celebrandum matrimonium; praeterea asserit, in suo priori interrogatorio, ad 5, parochum ecclesiae de Passy, Rev. Douvain, numquam has licentias concessisse; dicit enim: « Je puis dire que M. Douvain, aujourd'hui décédé, n'accordait jamais ces permissions, mais renvoyait toujours, par principe, à l'Archevêché ». Quod attinet ad parochum sponsi, sectae protestantium addicti, probe noverat etiam Rev. Protois sponsos nihil ab illo petivisse aut petituros quoad futurum matrimonium, ne publicationem quidem bannorum, ut supra dictum est; ex quibus omnibus D. Protois concludere debebat Rev. Meuley esse prorsus incompetentem ad celebrandum dictum matrimonium; unde, quando in suo altero interrogatorio, ad 5 et 6, dicit: « Je supposais que la permission avait été donnée ou leur serait donnée de se marier aux Invalides... J'ai pensé quetout était en règle au moment où j'ai inscrit la messe pour le mariage sur mon agenda, ou que tout serait en règle », haec opinio aut coniectura nullo solido fundamento nitebatur vel niti poterat, et ideo non est attendenda. Constat ergo Rev. Protois certum fuisse de incompetentia capellani Rev. Meuley, aut saltem (quod ad idem in casu redit) valde et graviter dubitasse de eius competentia; porro, hoc non obstante, non protestatus est, neque contradixit, cum facile potuisset, sed tacuit, dictumque sacerdotem ad celebrandum matrimonium procedere sivit; ergo eo ipso licentiam taciturnam ei concessit. Nec tantum passive se habuit Rev. Protois relate ad controversum matrimonium, sed etiam positive et active. Cum enim ipse dispensationem super mixta religione pro sponsis a Curia petiisset, Rev. Coriton, tunc Curiae Vice-Officialis, folium concessae dispensationis, ad ipsum, non...

[*Latin ed. p. 161*]

Saint Boman Bota arranged for the document to be sent to Reverend Meuley; and then Bishop Protois himself sent the same document to Reverend Meuley, or arranged for it to be sent; which transmission undoubtedly contained a license, more than tacit, to celebrate the marriage. It cannot be doubted that Reverend Goriton arranged for the document granting the dispensation to be sent to Bishop Protois, and not to anyone else; firstly, because Reverend Goriton himself had requested the dispensation from Bishop Protois; secondly, because he had to be certain of the authenticity of the granted dispensation, in order to proceed further, especially with the publication of the banns; thirdly, because this was the custom of the Vice-Official, Reverend Goriton, namely, to send the written dispensation back to the very parish priest who had requested it: which he himself testifies in his interrogation, at 4: "I have never given a dispensation to another curate



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or first vicar, except to the one who requested it from me; and in this case, it was the first vicar of Passy." Furthermore, from the very wording of the petition written and presented by Bishop Protois, the Vice-Official could not suspect that the marriage was being celebrated outside the parish. Nor do the statements made by Bishop Protois in his first interrogation, at 6, contradict this: "I have nothing to add, except that the bride may have, in fact, taken the dispensation that had been given to me directly to the Invalides." For this is not the testimony of Reverend Protois, but merely his opinion or conjecture ("the bride may have," etc.); which cannot prevail against the arguments presented above; all the more so because Bishop Protois himself, in the same first interrogation, said, at 5: "I have no precise recollection of this matter." Moreover, it is unlikely that the written dispensation, granted to him, was sent to another priest without his knowledge and consent. Therefore, the written document of the dispensation, which he knew and had seen, the first vicar sent to Reverend Meuley, either directly, or rather indirectly, namely, through the bride herself: which hypothesis is more in conformity with the records; and therefore, the first vicar acted not only passively, but positively and actively in this matter, namely, to ensure that the dispensation regarding a mixed marriage, granted by the Curia to Bishop Meuley, was transmitted to him. But these things have been said for the sake of abundance of caution, because, in order to have a tacit license, the positive intervention of the granting authority is not required, but their silence is sufficient, as described above in the exposition of the law. Nor does the testimony of Reverend Grosjean create a difficulty, who says: "After the démarche that they made to the Archbishop's office, the two betrothed returned to see me and showed me the document of dispensation that had been given to them." For he does not say that the betrothed sent the written dispensation directly to Reverend Meuley, but only that they showed it to him.

[*Latin ed. p. 162*]

162 Acta Apostolicae Sedis – An official commentary concerning the dispensation, delivered directly to the parties. If it is admitted that this document was delivered to the betrothed by the Vice-Official, it was delivered to them so that it might be transmitted, as noted by the Reverend Meuley, but to the first vicar, Father Protois, as the advocate for the actress admits, from the words of that very first vicar: "The woman could perfectly well 'bring directly to the Invalides the dispensation that had been given to her 'for me'." Furthermore, the actress herself, in her interrogation on the 8th, states that she does not remember receiving the dispensation document: "I do not recall having taken the mixed religion form; therefore, 'I did not give it to anyone.'" Therefore, considering and carefully examining all these matters, both in law and in fact, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and having God



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alone before our eyes, decide, declare, and definitively sentence that there is no nullity in the marriage between Margaret Loubery and Andrea Risler; therefore, overturning the judgment of the first instance judge, we answer the proposed question with: No. We also order that Margaret Loubery be held responsible for the costs of the proceedings and for the tax for the execution of the sentence. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains to enforce this our definitive sentence, and against those who resist, to proceed according to the norms of the Sacred Canons and especially chapter 3, session 25, concerning Reforms of the Council of Trent, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on the 9th of July, 1918. Seraphinus Many, President. Ioannes Prior. Aloisius Sincero. L. & S. From the Chancery of the Sacred Roman Rota, 23rd of July, 1918. Sac. T. Tani, Notary.

[*Latin ed. p. 163*]

Most Holy Roman Rota, Third Citation of the Edict concerning the NULLITY of MARRIAGE (PERRINO-TROTTA).

Since the place of residence of the Most Reverend Dominic Trotta, party in the cause of Gravinen, concerning the Nullity of Marriage, is unknown, the undersigned Auditor of the Most Holy Roman Rota, having considered the aforementioned cause, peremptorily cites, through the present edict, the same Most Reverend Dominic Trotta to appear, either in person or through a lawfully appointed procurator, in the seat of the Tribunal of the Most Holy Roman Rota on the 20th of June, at the eleventh hour, in order that he may express his opinion regarding the matter stated below, declaring furthermore that, if he does not appear, judgment will be carried to its conclusion in his absence.

THE MATTER TO BE DECIDED: Whether the sentence of this Court, dated July 2, 1918, should be confirmed or annulled.

Given at Rome, on the 1st of March, 1919.

I. Prior, Auditor.

L. S. From the Chancery.

Johannes Ladelci, Notary of the Most Holy Roman Rota.

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis - Official Commentary. Translation. ROMAN SACRED ROTAL TRIBUNAL. Citation by Decree GRAVINEN. NULLITY OF MARRIAGE (PERRINO-TROTTA). Since the current place of residence of Mr. Dominique Trotta, defendant in the case of Gravinen, concerning the Nullity of Marriage, is unknown, the undersigned Auditor of the Rota, in this cause, peremptorily cites the aforementioned Dominique Trotta to appear personally or through a legitimately constituted procurator, at the



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seat of the Roman Sacred Rotal Tribunal, on June 20, 1919, at eleven o'clock, in order to address the doubt reported below, further declaring that if he does not appear, the judgment will proceed and be concluded in his absence. DOUBT: Must the sentence of the Rota of July 2, 1918, be annulled? Given at Rome, on the first of March, 1919. J. L. & S. In the Chancery. Jean Ladelci, Notary of the S. R. Rota. Prior, Ponent.

[*Latin ed. p. 165*]

Diarium Romanae Curiae 165. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. Tuesday, March 11, 1919, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented for the judgment of the Most Eminent and Reverend Lords Cardinals, who comprise the same: 1) The introduction of the cause for the Beatification and Canonization of the Servant of God, Lewis Pavoni, Priest, Founder of the Congregation of the Sons of Mary Immaculate in Brzesc. 2) The confirmation of the cult long immemorially rendered to the Servant of God, Brother Ugolino of Gualdo Cattaneo, of the Romiti of Saint Augustine, called Blessed. 3) Concerning the revision of the writings of the Servant of God, Anne Mary Antigo, professed nun of the Poor Clares. 4) Concerning the granting and approval of the proper Office with the Mass and the eulogy to be inserted in the Martyrology of the Order in honor of the Blessed Nonius Alvares Pereira, Confessor, of the Carmelites of the Ancient Observance. Tuesday, March 18, 1919, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the Theological Consultors, who comprise the same, discussed and gave their vote on the doubt concerning two miracles which are asserted to have been wrought by God through the intercession of the Blessed Joan of Arc, Virgin, called "the Maid of Orleans," and which are proposed for her Canonization. SECRETARY OF STATE. APPOINTMENT. By a letter from the Secretary of State, the Holy Father deigned to promote: February 26, 1919. Monsignor Gaetano Gicognani, from Secretary of the Nunciature of the second class to Secretary of the first class.

[*Latin ed. p. 166*]

166 Acta Apostolicae Sedis - Official Commentary. Furthermore, with letters from the Secretariat of State, the Holy Father deigned to appoint: February 28, 1919. The Reverend Father James Monreal y Oliver, canon of the cathedral of Madrid, Prelate Auditor of the Tribunal of the Sacred Roman Rota. March 3: The Reverend Father Albert Serafini, Minute-taker of the Apostolic Briefs. March 11: The Most Reverend Cardinals Raffaele Merry del Val, Guglielmo Van Rossum, Donato Sbarretti, and Filippo Gius-



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tini, Members of the Holy Congregation for Seminaries and Universities. March 14: The Most Reverend Cardinal Filippo Giustini, Protector of the Institute of the Sisters of Our Lady of the Missions. March 28: The Most Reverend Cardinal Donato Sbarretti, Prefect of the Holy Congregation of the Council. The Reverend Father Francis Xavier Hertzog, General Procurator of the Sulpizians, Consultor of the Holy Consistorial Congregation. With Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: February 8, 1919. Monsignor Giovanni Giacomo Hopstaken, of the diocese of Breda. March 23: Monsignor Pio Maria Guidi, of the diocese of Velletri. March 27: Monsignor Emanuele Nicola Silva, of the diocese of Arequipa. March 27: Monsignor Napoleone Carón, of the diocese of Trois-Rivières. March 9: Monsignor Gioacchino Ferreira de Mello, of the archdiocese of Fortaleza. March 9: Monsignor Luigi N. Nugal, of the diocese of Ghatam. Domestic Prelates of His Holiness: February 8, 1919. Monsignor Adriano Lesourd, of the archdiocese of Rouen. March 26: Monsignor Baldassarre Delugan, of the diocese of Trento. March 26: Monsignor Armando Giov. Battista Leclercq, of the diocese of Lille. March 26: Monsignor Teodulo Dieu, of the same diocese. March 27: Monsignor Luigi Eugenio Duguay, of the diocese of Trois-Rivières. March 7: Monsignor Eugenio Berti, of the archdiocese of Florence. March 9: Monsignor Liberato Dionisio da Costa, of the archdiocese of Fortaleza. March 10: Monsignor Agostino Oliva, of the archdiocese of Turin. March 13: Monsignor Gustavo Depreitere, of the diocese of Oklahoma. March 13: Monsignor Bernardo Mutsaers, of the same diocese.

[*Latin ed. p. 167*]

Diarium Romanae Curiae

HONORS

With Brevi Apostolici, the Holy Father has deigned to confer the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: February 12, 1919. To Mr. Vittore Eastman Cox, Minister of Chile to the Republic of Ecuador.

The Commander's Cross with Plaque of the Order of Saint Gregory the Great, civil class: February 27, 1919. To Mr. Giacomo D. Ryan, of the Archdiocese of Saint John's, Newfoundland.

March 7: To Mr. Lope Tejera, of the Archdiocese of Saint James of Venezuela.

The Commander of the Order of Saint Gregory the Great, civil class: February 22, 1919. To Mr. Giovanni Bernard, of the Diocese of Lille. To Mr. Luigi Carlo M. Selosse, of the same diocese.

February 23: To Mr. Pierre Lacy, of the Archdiocese of Birmingham.

March 1: To Mr. Augusto Bonanni, architect of the Royal Fabric.



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March 7: To Mr. Enrico Tuccari, of Rome.

March 9: To Mr. Giuseppe Pietro Dias Chorao, of the Diocese of Guarda.

March 11: To Mr. Count Francesco Vitali, of the Archdiocese of Fermo.

The Knighthood of the Order of Saint Gregory the Great, civil class: February 21, 1919.

To Mr. Giuseppe Mathis, of the Archdiocese of Lyon.

February 27: To Mr. Carlo Cruciani, of Rome.

To Mr. Count Alberto Giovanni Battista de la Saigne de Saint-Georges, of the Diocese of Moulins.

March 1: To Mr. Ernesto Bonduel, of the Diocese of Lille.

To Mr. Maurizio Vanlaer, of the same diocese.

To Mr. Cirillo Carrez, of the same diocese.

To Mr. Giuseppe Vuillot, of the same diocese.

To Mr. Giulio Voituraz, of the same diocese.

To Mr. Carlo Flipo, of the same diocese.

To Mr. Paolo Leurent-Béghin, of the same diocese.

To Mr. Giulio Vanneufville, of the same diocese.

To Mr. Paolo Toutlemonde-Hyndrichs, of the same diocese.

To Mr. Vincenzo van den Heuvel, of the Diocese of Bois-le-Duc.

To Mr. Giovanni Desmarquet, of the Diocese of Amiens.

[*Latin ed. p. 168*]

Acta Apostolicae Sedis - Official Commentary 168. The Grand Cross of the Order of St. Sylvester the Pope: March 19, 1919. To Mr. Giuseppe Hoette, of the diocese of Münster. The Commendatorship of the Order of St. Sylvester the Pope: February 21, 1919. To Mr. Giuseppe Benaglia, of Rome. March 9, 1919. To Mr. Professor Cavaliere Dionisio de Sarno S. Giorgio, Consul of Spain in Belgrade. March 11, 1919. To Mr. Cavaliere Tullio Milani, of the diocese of Velletri. The Knighthood of the Order of St. Sylvester the Pope: March 9, 1919. To Mr. Giulio Fumasoni-Biondi, of Rome.

## THE HOUSEHOLD OF HIS HOLINESS.

By means of letters from His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

February 17, 1919. Mons. Alessandro Trebaure, of Cuyaba.

March 15, 1919. Mons. Vincenzo Sisto, of the diocese of Casale Monferrato.

March 18, 1919. Mons. Francesco Malavenda, of the archdiocese of Reggio Calabria.



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March 18, 1919. Mons. Antonio Bossi, of the diocese of Guastalla.

Extraordinary Secret Chamberlain with Sword and Mantle of His Holiness:

February 8, 1919. The Count Francesco Bernetti, of the archdiocese of Fermo.

Honorary Chamberlains in purple attire of His Holiness:

November 21, 1918. Mons. Giuseppe Fischer, of the diocese of Rotenburg.

November 21, 1918. Mons. Giuseppe Standenmaier, of the same diocese.

December 23, 1918. Mons. Antonio Maria dos Santos Portugal, of the archdiocese of Lisbon.

March 7, 1919. Mons. Mario Più, of the archdiocese of Cagliari.

March 24, 1919. Mons. Efisio Argiolas, of the same archdiocese.

March 24, 1919. Mons. Giuseppe Uras, of the same archdiocese.

NECROLOGY

March 23, 1919. The Most Reverend Cardinal Francesco di Paola Cassetta, Bishop of Frascati, Sub-Dean of the Holy College, Prefect of the Holy Congregation of the Council.

[*Latin ed. p. 169*]

Year XI - Vol. XI, May 1, 1919, No. 6

## ACTA APOSTOLICAE SEDIS

### OFFICIAL COMMENTARY

LETTER I TO THE REVEREND FATHER JOSEPH MARY ROBERT, GENERAL SUPERIOR OF THE MINOR FRATRES, IN QUARTO, MARKING THE FOURTH CENTURY SINCE THE CANONIZATION OF SAINT FRANCIS DE PAULA.

Beloved son, greetings and apostolic blessing.

Since, by divine grace and providence, the horrors of this war have finally come to an end, bringing devastation of every kind everywhere, it is clearly necessary to devote efforts, above all, to the restoration of Christian morals, which have suffered such great harm. This involves not only meditating on the divine law, but also carefully considering those who have exemplified the most outstanding examples of Christian perfection. Therefore, a favorable opportunity is at hand for you to more diligently recall the life of your most holy Founder, now in its fourth century since he was rightfully granted celestial honors. For us, it is a source of great joy to renew the memory of that most excellent man, whom we have long held in a special veneration.



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Indeed, in Saint Francis de Paula, along with the adornments of all Christian virtues, three stand out most prominently: the spirit of humility, the austerity of penance, and the ardor of charity. For he was so humble that he considered himself unworthy of the honor of the priesthood, and he derived the name he gave to his disciples, whom he called "minors," not from anywhere else than from his own humility. And although he was most innocent, it is incredible how much he afflicted his body, often enduring the extreme austerity of a Lenten diet throughout the entire year. And how shall we speak of his charity, who made it the foundation of his institute?

[*Latin ed. p. 170*]

170 Acta Apostolicae Sedis - Official Commentary: Did he leave behind a noteworthy mark? Indeed, these virtues are, if ever, more necessary today, when so many are alienated from the service of the divine faith by the obstinacy of pride; when unbridled greed dominates, leading to the enjoyment of worldly goods; when the human race emerges from this war, bearing the wounds of hatred and envy, which seem to be healed only by the charity of Jesus Christ. Therefore, you, carefully considering what even the best of times demand, strive more diligently to follow the footsteps of the Holy Father, with God's help. Thus, the merits of your Order towards the Church and civil society will increase considerably; an Order which has flourished until now through piety and instruction, and which is not devoted to its own glory, but to the common good. Thus, you yourselves will be more and more pleasing to this Apostolic See, which is accustomed to repay your obedience and faith with paternal affection. We truly hope that this commemoration of a blessed event will be very beneficial to you; and to enhance its solemnity, we freely grant the following from the sacred treasury of the Church: I. That on any day of the month of May, except for the day of the Ascension of the Lord, secular celebrations may be held in all the churches of the Order, granting to each priest of both the clergy the permission to celebrate the Mass of Saint [Francis], proper to the Order of the Minims, both in a triduum of prayer, and on the blessed day itself. II. On the day that the feast is celebrated, the local Ordinary, either personally or through someone appointed by him, shall impart the Papal Blessing. III. Whoever visits the churches of the Minims on that very day, where the secular feast is celebrated, may gain a Plenary Indulgence as often as they are able, according to the manner of [the Porziuncola]. IV. For the three days before the feast, or up to the eighth day after, priests, as many as there are of the Minims, may, outside the city, enrich with Apostolic Indulgences the prayerful crowns, images of the Crucifix, and sacred medals. Finally, concerning the Office and Feast of Saint Francis of Paula, celebrated on the second Sunday after Easter, we decree that it shall be assigned forever to the entire Order of the Minims, as it was before. And as a witness to divine



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graces and our paternal benevolence, we impart to you, beloved son, and to all those under your charge, our apostolic blessing with all our heart. Given in Rome, at Saint Peter's, on the second day of April, in the year of Our Pontificate, the fifth, in the year 1919. BENEDICT XV.

[*Latin ed. p. 171*]

Acta of Pope Benedict XV, 171 II, addressed to James, Most Reverend Cardinal Gibbons, Archbishop of Baltimore, and to Most Reverend Cardinal O'Connell, Archbishop of Boston, and to the other Archbishops and Bishops of the Federated States of America, concerning the Basilica of the Immaculate Conception in Washington.

"Beloved sons, venerable brothers, greetings and the apostolic blessing.

Your common letter, dated in Washington, which informed us that our beloved son, James, Most Reverend Cardinal Gibbons, was celebrating his fiftieth anniversary as a bishop, was brought to us recently by the Most Reverend Bonaventura, Archbishop with the title of Corinthus, our interpreter and messenger of joy among you. These letters indeed confirmed the new devotion and zeal you have towards us, demonstrating how closely united you are with us; and the very fact that the solemnities were carried out so successfully and with such care and attendance by all, brought them into clearer light. We congratulate you both, venerable brothers, most heartily; but even more so, because you have used this opportunity to discuss matters of the greatest importance, which are equally relevant to the welfare of the Church and the public good. We have learned that you have decided, with united minds, to convene all of you together in one place each year, to propose plans more suitable for the advancement of the Catholic cause; and that you have also established two groups from among the bishops, one of which will especially examine questions concerning social matters, and the other will investigate questions concerning the proper education of children and young people, and report their findings to the others. This is a worthy undertaking, to which we gladly give our commendation. Frequent meetings of bishops, which our predecessors have not infrequently praised, are of great service to the growth of the Catholic name; for when each one shares with the others what they have learned and experienced, it will be easier to discern those hidden errors, those dangers to the discipline of the clergy and the people, and those remedies that are available to eliminate them, should such disturbances of the spirit be discovered in a region or throughout the entire republic, which will greatly benefit the pastor in correcting or restraining them. And just as the suppression of evil is accompanied by the pursuit of good, so too are others encouraged by the examples of others. Thus, wherever a more abundant harvest of fruits is



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seen through a certain method and manner..."

[*Latin ed. p. 172*]

172 The Acts of the Apostolic See – It is evident to all that the bishops, who have convened in this assembly, will strive, according to the circumstances and the needs of the times, to act diligently in their respective dioceses, having seen the great benefit that has been derived elsewhere. And indeed, we urge you to pursue, with diligence and constancy, the work that is commonly called social and economic; but take care that your people are not, through the influence of false opinions and the disturbance of minds, led away from the Christian principles which Our Predecessor Leo XIII clearly outlined in his Encyclical Letters on Social Questions. This, indeed, is a matter of great danger, especially in these times, when the entire fabric of human society seems to be threatened, and when charity among citizens is diminished and almost overwhelmed by the storms of envy. However, no less importance is attached to the Catholic institutions for children and adolescents, through which the faith and morals of citizens are safeguarded and protected. Therefore, you know, venerable brothers, that the Church of God has never ceased to promote such institutions with the utmost care, and to defend and protect them with all her strength; and if there were any doubt about this, the very actions of the enemies of the Christian name, in ancient nations, would be a certain proof. For, in order that the Church may preserve the faith of the young and innocent, and that private schools, established under her provident care, may successfully compete with public schools that are alien to religion, those who seek to undermine religion will strive to claim the power of teaching for themselves; they will utterly disregard and violate the rights of the natural guardians; and they will seek to restrict, diminish, or in some way burden the free opportunity for Catholic and religious young people to be educated. We know that you have spared no effort, with admirable generosity and diligence, in establishing Catholic schools, and we bestow praise upon the religious congregations of both sexes who, under your guidance, have contributed to the prosperity and efficiency of their schools in these United States, without sparing expense or labor. But, moreover, we urge you not to be so confident in the present situation that you neglect what the future may hold, since the fate of the Church and of the state depends entirely on the fortunes and discipline of schools; for there will be no Christians unless you educate, instruct, and form them. And here, the thought spontaneously arises of the Catholic University of America in Washington. We have watched with great pleasure the remarkable progress of this great institution, with which we have such good hopes for your churches; and it is with this in mind that



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We commend to your memory a distinguished son of Ours, Cardinal—.

[*Latin ed. p. 173*]

The acts of Pope Benedict XV, number 173, concerning the Archbishop of Baltimore and the venerable Bishop, titular of Germanicopolitanus, moderator of that Lyceum. But we do not praise you as if we wished to overlook your recent efforts, since we have observed that, up to this day, you have diligently labored in fostering this institution, which is a haven for the best of disciplines and arts, and we have no doubt that you will continue, and indeed with greater zeal, to contribute to this most beneficial undertaking. Furthermore, it has been brought to Our attention that the plan to erect a sacred building, dedicated to the Lyceum, in honor of the Virgin Immaculate, has greatly stirred the piety of the people. Know that this has greatly pleased Us. Just as Our most blessed predecessor, Pope Pius X, approved and praised this undertaking, so it is Our desire that, in this great republic, a temple be completed as quickly as possible, worthy of the Heavenly Patroness of all America, and even more so, because your Lyceum, under the protection of the Immaculate Mother of God, has achieved something truly remarkable. We are confident that, just as the Lyceum will be a place where those devoted to Catholic doctrine will gather, like rays converging on a center, so too will this sacred building, dedicated to the Virgin Immaculate, be a place where not only those who are admitted or to be admitted as students, but also all Catholics in these states, will look upon it as a special and proper sanctuary, and will throng to it frequently for the sake of religion and piety. Oh, may that day come quickly when you, venerable brothers, will be able to dedicate this work. To ensure that this undertaking is not delayed for long, we urge you to solicit, with more generosity than usual, contributions from all those who are distinguished by their profession among you; not only individuals, but also all associations, especially those whose mission is devoted to the cult of the Mother of God. Moreover, it is fitting that women should also participate in this important endeavor, since they should strive all the more to promote the glory of the Immaculate Virgin, as her glory is closely linked to the honor of their sex. Those whom we have encouraged with words, we have also decided to move by our example, and we have resolved to adorn the altar of that very temple with a special gift. Therefore, in due time, we will send to Washington an image of the Most Blessed Virgin, conceived without sin, which we will have crafted with mosaic work in the workshops of the Vatican, and which, when placed in a prominent location, will be a monument both to our piety towards Mary Immaculate, and to our special benevolence towards the Lyceum. For in this undertaking, there is a society of people who seem to require, on the one hand, the present help of the Virgin, and on the other, the common



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efforts of all.

[*Latin ed. p. 174*]

174 The Acts of the Apostolic See – This is the official commentary on the boundary between salvation and ruin; unless it is re-established and strengthened by the laws of charity and justice, the situation will remain precarious. In this matter, you must strive above all others, for you can accomplish much among your people, who, retaining the most steadfast principles of Christian liberty and human dignity, hold a special place in restoring tranquility to order and in rebuilding and renewing society, after such a violent upheaval. Meanwhile, as a witness to the reconciling and paternal benevolence of heavenly gifts, we impart to you, our beloved sons, our venerable brothers, to the clergy and to the people among you, especially to those who have assisted or will assist in the future in the construction of the church in Washington, our heartfelt apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the tenth day of April, in the year 1909, in the fifth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 175*]

Sacred Congregation of Councils. ACTS OF THE HOLY CONGREGATIONS. SACRED CONGREGATION OF COUNCILS. LETTER CIRCULAR TO THE ITALIAN EPISCOPATE, IN EXECUTION OF THE DECREE "CONCERNING THE CELEBRATION OF COUNCILS IN THE REGIONS OF ITALY," OF FEBRUARY 15, 1919. By a circular of the Holy Congregation of Bishops and Regular Canons, dated August 24, 1889, Pope Leo XIII, of blessed memory, adhering to the vote of several Archbishops and Bishops of Italy, while approving the use of episcopal conferences, which had already been introduced in several regions of Italy since 1849, and particularly in Umbria, and prescribing and regulating their celebration, also established how frequently the meetings or conferences of Italian prelates should be held, adhering to the well-known regional divisions of Italy. Nothing seems to require alteration from what was then defined, except for the two modifications which the Most Holy Pope Pius X, for just reasons, deemed it necessary to introduce concerning Emilia and concerning the Lazio, or the district of Rome, as it was called in said circular. Therefore, it remains fixed that for the episcopal conferences and, respectively, for the regional councils, the Ordinary prelates of Italy should gather according to the regions listed below.

1. Emilia, comprising the ecclesiastical province of Modena, together with the immediately subject sees of Parma, Piacenza, and Borgo S. Donnino.

2. Romagna, comprising the ecclesiastical provinces of Ravenna and Bologna, and the archdiocese of Ferrara, with the united see of Comacchio.

3. Marehe-en-Famene, comprising the ecclesiastical provinces of Fermo



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and Urbino, the archdioceses of Camerino, Ancona, and Uman, together with the immediately subject sees of Treia, Fabriano, and Matetica, Fano, Iesi, Osimo, and Cingoli, Recanati, and Loreto.

4. Umbria, comprising the archiepiscopal sees of Spoleto and Perugia, together with the immediately subject episcopal sees of Orvieto, Poggio Mirteto, Rieti, Narni, and Terni, Amelia, Todi, Norcia, Foligno, Città della Pieve, Assisi, Nocera, Gubbio, and Città di Castello.

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis - Official Commentary 5. Etruria, comprising the ecclesiastical provinces of Pisa, Florence, and Siena, the archdiocese of Lucca, and the immediately subject sees of Arezzo, Cortona, Montalcino, Montepulciano, and Pienza.

6. Upper Lazio, or the Cimina region, comprising the dioceses of Civitavecchia and Corneto, Sutri and Nepi, Civita Castellana, Orte, and Gallese, Viterbo and Toscanella, Montefiascone, Bagnorea, Acquapendente, as well as the *nullius* abbeys of St. Paul outside the walls, of the Saints Vincent and Anastasius at the Three Fountains, and of St. Martin at Monte Cimino.

7. Lower Lazio, comprising the dioceses of Tivoli, Segni, Anagni, Ferentino, Alatri, Veroli, Sezze-Piperno, and Terracina, Sora-Aquino, and Pontecorvo, and the *nullius* abbey of Subiaco.

8. Campania, comprising the ecclesiastical provinces of Capua, Naples, and Sorrento, and the archdiocese of Gaeta, the immediately subject see of Aversa, and the *nullius* abbey of Monte Cassino.

9. Benevento, comprising the ecclesiastical province of the same name and the *nullius* abbey of Monte Vergine.

10. Salerno and Basilicata, comprising the three ecclesiastical provinces of Salerno, Acerenza, and Matera, Conza, and Chalastra, as well as the archdiocese of Amalfi, and the immediately subject sees of Cava and Sarno, Melfi and Rapolla, and the *nullius* abbey of the Most Holy Trinity of Cava.

11. Calabria, comprising the ecclesiastical provinces of Reggio and S. Severina, the archdioceses of Cosenza and Rossano, and the immediately subject sees of Mileto, S. Marco, and Bisignano.

12. The Abruzzi, comprising all the archiepiscopal and episcopal sees existing within the Abruzzese territory.

13. Apulia, comprising the ecclesiastical provinces of Bari, Brindisi, Manfredonia, Otranto, Taranto, Trani, and Barletta, and the immediately subject episcopal sees of Foggia, Gravina, and Irsina, Molfetta, Terlizzi, and Giovinazzo, Monopoli, Nardo, and the *nullius* prelature of Altamura and Acquaviva.

14. Sicily, comprising all the archiepiscopal and episcopal sees of the island, the *nullius* abbey of St. Lucy of the Mela, and the episcopal see of Lipari.



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15. Sardinia, comprising all the archiepiscopal and episcopal sees existing on the island. As for Veneto, Lombardy, and Liguria, since the region coincides with the ecclesiastical province, nothing needs to be changed for the celebration of the provincial synods.

[*Latin ed. p. 177*]

Sacred Congregation of the Consistory, 177. Regarding Piedmont, where, although there are two provinces, there is a single conference, if the Ordinary bishops believe it to be a better course of action, instead of holding two provincial councils, to hold only one regional council, they may make a request, which will be favorably received, as it appears to be a highly appropriate measure. Furthermore, since in the aforementioned circular of 1889, the Supreme Pontiff established that "II. In each of the aforementioned regions, the Bishops will endeavor to meet together at least once a year, in order to smooth over and resolve, through mutual counsel, the difficulties they encounter in the governance of their respective dioceses, to promote throughout the regularity and uniformity of ecclesiastical discipline, and to issue, if circumstances require it, collective acts of any kind," it is noted that this provision is not in any way contradicted by the Code, where, in canon 291 § 1, concerning episcopal conferences, it is stated that, unless otherwise provided by the Apostolic See for particular places, the Ordinary bishops shall meet at least every fifth year. Therefore, it remains firm that episcopal conferences for regions must continue to be held in Italy each year in the manner indicated above. And this is the intention of His Holiness Pope Benedict XV, which is communicated to the Most Reverend Ordinaries of Italy for its full observance. Given at Rome, from the Secretariat of the Sacred Congregation of the Consistory, March 22, 1919. J. S. G. CARD. DE LAI, Bishop of Sabina, Secretary. L. & S. V. Sardi, Archbishop titular of Caesarea, Assessor.

II. THE DOUBT REGARDING THE DECREE "REDEUNTIBUS," dated October 25, 1918. Certain Ordinary bishops proposed the following doubt to the Sacred Congregation of the Consistory for clarification: "Whether clerics in sacred orders, who are devoted to the care of wounded or infirm soldiers, who, of their own free will, have preferred to transfer from such service to military service, but who have not yet suffered death or mutilation, are thereby excluded from the benefits of the decree 'Redeuntibus'..."

[*Latin ed. p. 178*]

Acts of the Apostolic See - Official Commentary 178 "if they have not brought any [priests], they are to, according to the intention of the decree *Redeuntibus*, obtain a dispensation from the Holy See, so that they may be restored to the exercise of the sacred ministry." To this, the Sacred Congregation deemed it fitting to respond: Affirmative. And thus it wrote and



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declared, on March 28, 1919.

Most Reverend Cardinal De Lai, Bishop of Sabina, Secretary.

Most Reverend L. S. f V. Sardi, Archbishop of Caesarea, Assessor.

III. PROVISIONS FOR CHURCHES. By Consistorial decrees, the Most Holy Pope Benedict XV provided for the following churches, namely:

March 28, 1919. — To the cathedral church of Des Moines, he appointed the Reverend Thomas William Drumm, pastor of the church of Saint Patrick in the city of Cedar Rapids, in the archdiocese of Dubuque.

March 29. — To the titular archiepiscopal church of Achrida, he appointed the Reverend John Baptist Cieplak, suffragan to the Most Reverend Edward de Ropp, Archbishop of Mohilev.

March 31. — To the titular episcopal church of Dardan, he appointed the Reverend Anthony Keil, canon theologian of the metropolitan church of Salzburg, and rector of the major seminary of that city, whom he appointed as an auxiliary to the Most Reverend Ignatius Rieder, Archbishop of Salzburg.

April 2. — To the cathedral church of Argyll and The Isles in Scotland, he appointed the Reverend Donald Martin, administrator of the pro-cathedral church of Oban.

April 14. — To the titular episcopal church of Isionda, he appointed the Reverend Marcellinus Charles Marty, canon and archpriest of the cathedral church of Rodez et Vabres, whom he appointed as a coadjutor with the right of future succession to the Most Reverend Felix August Béguinot, Bishop of Nîmes.

[*Latin ed. p. 179*]

179. The Holy Congregation of Religious.

DUBBIO. The canons concerning religious orders have been translated into various languages; these are authorized, but not official, translations. Now, in some translations, the text of certain canons does not correspond with the provisions of the same canons in the Code. The question is raised whether any changes have occurred in this regard, or whether one must adhere to the text of the Code and consider the text of the translation to be erroneous. The Holy Congregation of Religious, having duly examined the matter, declares that one must adhere to the prescriptions of the Code and that the translation must be amended. From the Secretariat of the Holy Congregation of Religious, April 2, 1919. Mauro M. Serafini, Abbot, Order of Saint Benedict, Secretary.

## SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH.



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## PRIVILEGES GRANTED TO "PIAE UNIONI CLERI PRO MISSIONIBUS."

From an Audience granted by His Holiness on March 20, 1919, His Most Holy Lord Benedict, Divine Providence, Pope XV, referring to me, the undersigned Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, to the Reverend Fathers of the "Piae Unionis Cleri pro Missionibus," commonly known as the "Pia Missionaria Unione dei Clero," who are now and in the future are affiliated with it, provided that they are approved for hearing sacramental confessions, has benignly granted the faculty of blessing the crowns of the Seven Sorrows of the Blessed Virgin Mary, with the application of all and each of the Indulgences which the Supreme Pontiffs grant for such crowns.

[*Latin ed. p. 180*]

Acts of the Apostolic See - Official Commentary 180, concerning the blessing and conferring, under a single formula, of the scapulars which are granted to those who are to be invested as members of the aforementioned Pious Union. Furthermore, His Holiness desired that the designation of the President for the various regions of the Pious Union of the Clergy for Missions be reserved to the Most Reverend Father Cardinal Prefect, and that he have the power to amend the statutes of the Pious Union, as the diversity of the regions in which it is established may require. Given in Rome, from the halls of the Holy Congregation for the Propagation of the Faith, on the day and year above mentioned. G. M. CARD. VAN ROSSUM, Prefect. L. S. C. Laurentii, Secretary.

## II. DESIGNATION OF ORDINARIES FOR APPEALS, ACCORDING TO CANON 1594, § 2.

According to canon 1594, § 2 of the Code of Canon Law, for appeals:

The Most Reverend Archbishop of Sydney has designated the Ordinary of Maitland.

The Most Reverend Archbishop of Perth has designated the Ordinary of Adelaide.

The Most Reverend Archbishop of Adelaide has designated the Ordinary of Melbourne.

The Most Reverend Archbishop of Brisbane has designated the Ordinary of Armidale.

These designations were approved by His Holiness, Pope Benedict XV, on March 20, 1919.

## III. NOMINATIONS.



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The following were nominated by Apostolic Briefs:

April 2, 1919. — The Apostolic Vicar of Southern Shansi in China, Reverend Father Anthony Mary Capettini, from the Seminary of the Most Holy Apostles Peter and Paul of the City, for foreign missions.

— Coadjutor with right of succession to the Apostolic Vicar of Northern Che-li, the Most Reverend and Reverend Father John of Vienne, from the Congregation of the Missions, Bishop titular of Abriten, formerly Apostolic Vicar of Northwestern Che-li.

[*Latin ed. p. 181*]

The Sacred Congregation of Rites, in its decree of confirmation, dating from the year 181, concerning the cult rendered to the Servant of God, Father Ugolino of Gualdo, of the Order of the Hermits of Saint Augustine, now Blessed, states: Old and new documents, even those produced by the agiographers of the Province of Umbria, attest that the Servant of God, Ugolino of Gualdo, whom the Order of the Hermits of Saint Augustine boasts of having received among its members, was born in Bevaniae and at Gualdi, in the thirteenth century. In his native town, he was piously instructed, and as a boy and young man, he gave excellent examples of virtue, especially of a solitary and penitential life, joined to contemplation of heavenly things. In the same place, a large stone still exists, dedicated to the memory of the Servant of God, called Blessed Ugolino. Received into the Augustinian Order with good will, he is said to have faithfully observed the precepts and counsels of the religious family, and to have gained a reputation among his brethren and outsiders, while the citizens fruitlessly attempted to persuade him to return to his homeland, according to the wishes of all. Around the year 1258, at the repeated urging of the citizens of Gualdi, and with the willing consent of the monks of Saint Benedict, their monastery, with its church, was legitimately transferred to the Augustinian Order. Then, at the order of his Superiors, Ugolino returned to his homeland, where, together with the Blessed Angel of Fulgineo, he took possession of the convent and church, which he restored with great zeal and care, dedicating it to the honor of the holy Father and Doctor Augustine. The Servant of God lived there for two years and died piously on January 1st of the year 1260. After a funeral solemnity was held, and with the attendance of citizens in due order, his body was buried in the same church; where it rested intact for about two years, until a certain religious brother had his right foot cut off and donated it to the flourishing church of Florence, belonging to the Augustinian Order. However, in order that the same body might be better preserved, like a treasure, it was, by the authority and order of Bartholomew, Bishop of Spoleto, transferred to the parish church of the Holy Martyrs Anthony and Antoninus, consecrated by the Bishop himself. There, until the year 1640, the oldest inscription was



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read.

[*Latin ed. p. 182*]

182. The Acts of the Apostolic Sees – Commentary, record that a marble altar, restored in the same year, recounts the proper and complete consecration of the same church, which took place in the time of Urban IV in the year 1262, on the Sunday of September , the second day, with the presence of seven Bishops of Umbria, namely, the Bishops of Spoleto, Assisi, Eugubio, Foligno, Nocera, Terni, and Tuder. Each bishop bestowed indulgences, in the customary manner, for the faithful who visit the consecrated church, in honor of God and the Most Blessed Virgin Mary, and of the Saints Anthony and Antoninus, martyrs, whose bodies rest there, and the body of Blessed Ugolino. This is also described by Ludovico Jacobioli, a hagiographer of the saints and blessed of Umbria, and confirmed by the Acts of the sacred Visitation in the Castle of Gualdo Cattaneo in the month of July of the year 1713, carried out by Charles Hyacinth Lascaris, O.P., Bishop of Spoleto, who also visited the garden called the Garden of Blessed Ugolino, and then the relics of the Church, near the paternal home, under the title of Blessed Ugolino, which was built by the University after his death. With the passage of time, to prevent the body of the Servant of God from being stolen, it was placed in a skillfully carved and gilded walnut chest, in a subterranean church, above the altar dedicated to the same Blessed Ugolino, beneath which the bodies of the aforementioned martyrs were kept. Subsequently, a confraternity, named after the mercy and Blessed Ugolino, was canonically established there, whose members walk in black robes, under their own banner, with the image of the Blessed one attached. Authentic documents from the year 1470 show that in that year, Peter Santessis, or Faressis, prior of the confraternity of Blessed Ugolino, in his will, left ten pounds of denarii for the work of Saint Ugolino, specifically for the repair of the aforementioned church, a work which the city of Gualdo undertook to complete. The pious confraternity, in the year 1568, was joined to the Roman confraternity of Saint John the Baptist, and to this day fosters and promotes the cult of the Servant of God, and solemnly celebrates his feast days, and in the sacred functions and processions, each member of the confraternity presents the insignia of honor and authority, adorned with the image of Saint John the Baptist and Blessed Ugolino. Furthermore, to increase the cult of the Servant of God, the citizens of Gualdo, in the city statutes published in the year 1483, decreed and ordered that, in the feast of Blessed Ugolino, on January 1st, two pounds of wax be given and offered each year by the aforementioned Commune to the aforementioned church of Saint Augustine. It should also be noted that on the wall of a room adjacent to the aforementioned church, there are depicted sacred images; namely: our Lord Jesus Christ crucified in the middle, the Most Blessed Virgin Mary and Saint John the Evangelist on either side of the cross, and



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Saint Mary Magdalene at the feet of the Crucifix. The Blessed Ugolino is also depicted, wearing the black habit of his Order, and with a halo of the same shape on his head, as are the other images. He holds his son in his right hand and an open book in his left hand, in which is written: "Prepare."

[*Latin ed. p. 183*]

"The Holy Congregation of Rites, in 183, entered [the matter] because the Rule of my father, Augustine, was observed." From a fragment of the inscription on this work, it is clear that it existed in the year 1482. Furthermore, items from the process of Spoleto, presented to demonstrate the antiquity of the cult of Ugolino, are being examined to ascertain the reasons for the continuation of this cult to the present time, especially through the Acts of the Sacred Visitation included in that same process, namely the bishops of the diocese of Spoleto, namely Fulvius Ursini of the 16th century, Maffeo Barberini, who later became Urban VIII, of the 17th century, Vincent of the Water and Francis M. Locatelli of the 18th century; and through the sacred functions solemnly celebrated in the year 1904, in honor of the Servant of God, whose relics, on the occasion of the restoration of the church in its upper part, were completely restored and placed in a prominent location behind the altar. The piety and faith with which the people of Gualdo venerate and invoke Ugolino in their needs, both public and private, seeking help and giving thanks for the benefits received, are demonstrated by the devoted pilgrimages, offerings, votive gifts, candles lit, and similar things offered to honor his relics. This is especially true during the principal feasts and on the feast day of the Servant of God, and when, according to the custom handed down by their ancestors, three times a year, or more frequently when there is an urgent need, these sacred relics are publicly displayed, to avoid a certain occurrence, or to implore rain, to request serenity, or for any other necessity or public cause. With all of the above, and other arguments presented in the Ordinary Process of Spoleto, and with the subsequent opinion of the delegated judge regarding the case, except for the decrees of Urban VIII, all of these procedural documents have been submitted to the Sacred Congregation of Rites. Since, by decree of the same Sacred Congregation of February 10, 1918, it was determined that the old order of law should be observed in this case, prior to the more recent decrees of November 11 and December 31, 1913, nothing prevents further proceedings. Therefore, at the request of the Reverend Father Eustasio Esteban, General Postulator of the Order of the Eremites of St. Augustine, and considering the common wishes of the entire Augustinian religious family and the clergy and people of Gualdo, His Eminence and Reverend Lord Cardinal Philip Giustini, Promoter or Relator of this Cause, proposed the following question for discussion at a meeting of the Congregation for Sacred Rites convened in Vatican: "Should the judgment rendered by the Judge, delegated by the Reverend Vicar Capitular of Spoleto, regarding



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the public and ecclesiastical cult rendered to the aforementioned Servant of God, or regarding the case excepted from the decrees of Pope Urban VIII, be confirmed in this case and for the purpose in question?" And the Eminences and Reverend Fathers presiding over the Sacred Rites, having heard the voice and writings of the Reverend Father Angelo Mariani,

[*Latin ed. p. 184*]

184 Acta Apostolicae Sedis - Official Commentary. The Promoter of the Faith, having diligently considered all matters, has written: Affirmative, that is, the sentence is to be upheld. March 11, 1919. These matters, having been presented to His Holiness Pope Benedict XV through the undersigned Cardinal Prefect of the Sacred Congregation for the Ritus, His Holiness approved and confirmed the Decree of the same Sacred Council, on the 12th of the same month and year. A. CARD. VICO, Bishop of Portua and S. Rufina, Sacred Roman College, Prefect. L. S. Alexander Verde, Secretary. II. PAVIENSE. DECREE OF CONFIRMATION OF THE CULT RENDERED TO THE SERVANT OF GOD ISNARDO DE CHIAMPO, A PRIEST, A PROFESSED MEMBER OF THE ORDER OF PREACHERS, NOW KNOWN AS BLESSED OR SAINT. In the thirtieth year of the thirteenth century, the members of the Order of Preachers, through the merits of Rodobaldo II, a man of outstanding sanctity and a prelate of the venerable church of Pavia, received as a gift the church of S. Maria de Nazareth, located in the suburb of the city, across the Ticino River, together with the adjacent land, on which, with the counsel and resources of the same prelate, they erected a convent, under the leadership of Brother Isnardo de Chiampo, or Vicentino; for, according to ancient documents, he was born in the region of Chiampo, near Vicenza. From the Annals of both the city of Pavia and the Order of Preachers, it is certain that, while he was engaged in studies at Bologna, he was admitted into the Order of Preachers by the very Father, St. Dominic, around the year 1219, and, filled with the spirit of that same holy Patriarch, he zealously fulfilled the office of preaching the divine Word. The convent of Pavia, to which he had been sent, he illuminated until his death with the works of sanctity and sacred ministry, so that, together with Bishop Rodobaldo, joined to him by a heavenly friendship, he was considered a second apostle of Pavia. He was indeed a man of great prayer, inflamed with charity towards God and men, outstanding in virginal chastity, and wonderfully devoted to the exercises of penance, through which means, with God's blessing, he brought many Catholics back to a better life, and suppressed the efforts of the heretics, who at that time were stubbornly attacking. Miracles.

[*Latin ed. p. 185*]

The Sacred Congregation of Rites also recounts that, through miracles, these same sources attest that the Friars restored Brother Isnard, who was



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deaf, mute, and afflicted in his hands or other members, to perfect health. Finally, after great labors undertaken for the glory of God and the salvation of souls, the Man of God, seized by a deadly illness, on March 19th of the year 1244, after humbly confessing all his sins and being duly absolved through the sacraments of the Church, rested in the Lord, having attained such a reputation for sanctity that, from his death until our own time, public and ecclesiastical honors have been rendered to him. The body of the venerable man was buried in the church of the old monastery of Pavia, of Saint Mary of Nazareth, and was subsequently translated several times, as the Friars Preachers either changed their location of their own accord, or were compelled to change it; first to the church of Saint Andrew of Realis, then to the temple of Saint Thomas the Apostle, where a chapel dedicated to Blessed Isnard long existed, and later, towards the end of the 18th century, to the church of Saint Peter in Chains, and finally, after the Friars Preachers of the city of Pavia were suppressed, along with the other religious families, to the Basilica of Saints Gervasius and Protasius, where it still rests, exposed for the veneration of the faithful, beneath the altar of Saint Francis, the Patriarch. And not only in Pavia, and concerning the relics of Blessed Isnard, but also in the diocese and territory of Vicenza, from which he was originally from, and in other regions, indeed throughout the entire Order of the Preachers, his memory was honored with public and ecclesiastical cult, with the title of Blessed, or even Saint, as is easily apparent from the Acts of the Process, recently compiled by the Ordinary authority, the Bishop of Pavia. Among others, it is fitting to choose the praise given by Saint Antoninus, O.P., the Archbishop of Florence, in his Chronicles, published around the year 1453, where, among men of the greatest sanctity and resplendent with miracles, he also includes Isnard, formerly Prior of Pavia. It is also recorded that images and relics were exposed for public veneration in churches and oratories, and votive tablets were affixed to the tomb of the Servant of God, for benefits received. Nor should we omit the fifth image from the forty icons depicted by Thomas of Modena in the year 1251, in the great hall of the monastery of the Order of the Preachers, now the Tarvisium Seminary, which image depicts Isnard devoutly engaged in the recitation of the Divine Office, with rays emanating from his head, with the title "Blessed" written in Gothic letters at the bottom, and to the left, in the same characters, it is described as follows: "Blessed Brother Isnard of the Order of the Friars Preachers, was a very religious, fervent, and excellent preacher, through whom God performed many miracles." It is also worthy of mention that in the Martyrology of the Order of the Preachers, published in Rome in the year 1604, among the Blessed Confessors, Brother Isnard is listed with the ACTA, vol. XI, n. 6. —



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[*Latin ed. p. 186*]

186 Acts of the Apostolic See - Official Commentary, with this eulogy: "In the city of Pavia, the eminence of sanctity shone forth, having manifested many miracles." Therefore, since all things were ready for the consideration of this cause for the confirmation of the cult before the Sacred Congregation of Rites, at the urgent request of the Most Reverend Father Mauro Maria Kaiser, General Postulator of the Order of Preachers, and with the attentive letters of certain Illustrious and Reverend Sacred Prelates, as well as Chapters of Cathedral Churches and the clergy and people of the dioceses of Pavia and Vicenza, and at the request of the Superiors of the Orders of Brothers Preachers and Minorites, the Eminent and Reverend Cardinal Joseph Calasanctium Vives y Tuto, in place and by proxy of the Eminent and Reverend Duke Cardinal Sebastian Martinelli, Promoter of the Cause or Relator, in the assembly of the Ordinary Congregation of Sacred Rites, convened on December 10, 1912, at the Vatican, proposed the following question for discussion: Whether the sentence pronounced by the Eminent and Reverend Bishop of Pavia concerning the cult exhibited from time immemorial by the Servant of God Isnardo de Chiampo, of the Order of Preachers, or concerning the case excepted from the decrees of the Most Holy Pope Urban VIII, should be confirmed in the case and for the purpose in question? And the Eminent and Reverend Fathers presiding over the Sacred Rites, after the presentation by the aforementioned Proponent, and after hearing also the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Faith, having carefully considered all things, judged it fitting to respond: Affirmative, that is, the sentence should be confirmed. This resolution, having been reported by the aforementioned Cardinal Sebastian Martinelli, Prefect of the Congregation of Sacred Rites, was received and confirmed by the Supreme Pontiff Pius X, on the 11th day of the same month and year. However, due to special circumstances, the desired decree of Apostolic confirmation was not published. Now, at the urgent request of the Most Reverend Father Ludovico Fanfani, General Postulator of the Order of Preachers, and with the fervent and supplicating prayers of the entire Religious Family of Saint Dominic, and after a report made to the Most Holy Pope Benedict XV, Prefect of the Sacred Congregation of Rites, by the aforementioned Cardinal, His Holiness deigned to declare and decree that the present decree of confirmation of the aforementioned sentence concerning the case excepted, or concerning the cult exhibited from time immemorial by the Servant of God Isnardo de Chiampo, a professed priest of the Order of Preachers, should be published, as is customary. Notwithstanding any objections whatsoever. March 12, 1919. A. CARD. VICO, Archbishop of Porto and Santa Rufina, and Sub-Dean. L.



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S. Alexander Verde, Secretary.

[*Latin ed. p. 187*]

187 The Holy Congregation of Rites, in Orleans, concerning the canonization of the Blessed Joan of Arc, a virgin from Orleans. Regarding a doubt: Whether and concerning which miracles it is established, after the granting of devotion to the aforementioned Blessed, in a case and with an effect, of which we are speaking? Among all the things to which adverse men have commonly and easily accustomed themselves in abusing the Catholic name, there certainly exists and stands out that which is invented according to whim and is extolled with great preaching, namely, love of country, as the monuments of any and all past and more recent times testify with no less knowledge. Indeed, from the very beginning, by the person of the adorable Jesus Christ, the Redeemer, when He passed through the midst of the people, through the streets and roads, doing good and healing all, the impious and blasphemous calumny was cast against Him, namely, that He would subvert the nation. And as it was entirely fitting and most proper for the faithful followers of Him, with a similar unjust opinion, at the very beginning of the nascent Church, the first Christians were agitated, and in order that they might be led to popular hatred and contempt, they were accused, as if they were useless to the state, dangerous citizens, seditious, enemies of the empire and of the emperor. But this calumny, rather than ceasing in subsequent centuries, has rather progressed in its course, although it can by no means be reconciled with the profession of a Christian and a Catholic man, and it is plainly contrary to it, as is openly taught by the commonly received doctrine of the Church, which, among others, is vigorously defended by the Angelic Doctor, for whom, with this in view, the following sentence stands, expressed in such grave and clear words: "A man owes something different to others, according to their different excellence, and the different benefits received from them. But in both cases, God holds the highest place; for He is both excellent and the primary principle of our being and of government. Secondly, our parents and our country are the principles of our being and of government, from whom and in whom and in which we are born and nurtured. And therefore, after God, a man owes most to his parents and to his country. Just as, with regard to religion, it pertains to us to offer worship to God; so, in a secondary degree, it pertains to piety to offer worship to our parents and to our country" (2-2, quaest. 101, art. 1).

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis - Official Commentary. If all these things concerning any Christian, who remembers his profession, ought to be affirmed and preached, then the highest degree of praise should be given to him whose Christian virtues were not common or ordinary, but heroic;



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and therefore, these are attributed to the Blessed Joan of Arc, a maiden of Orleans, so renowned. It immediately becomes clear and evident, how rashly and unjustly they behave, who consider that the maiden of Orleans, and the events of her life, can be attributed only to human ability, and who believe that they can rid themselves of all divine influence. Indeed, what the maiden of Orleans was; what was the particular manner of her living and acting until the tenth year of her age; and how, afterwards, she performed glorious and unheard-of deeds, by which the fortunes of her country, which were greatly weakened and afflicted, were restored; and finally, how she was unjustly betrayed by her own people, captured by the enemy, subjected to the most terrible tortures, and, after receiving the Holy Eucharist, with her eyes fixed on the Cross of Christ, imploring mercy, was consumed by flames before a vast crowd, for the sake of those who were the authors of her death; to all these things, and to what is connected with them, anyone who pays even a little attention will undoubtedly be compelled to recognize her as a true Christian heroine and to venerate her. For, if it had not been so, if the plan and care with which the image of Joan of Arc has been so briefly and expressively described were not true, they would find no further explanation; and those who have witnessed her actions have almost confessed and demonstrated that they have only envied the innocent Virgin. Moreover, these very ones dared to say what she had done and what she had accomplished, far exceeding the condition of a simple, rustic girl; yet, being addicted to the school of Rationalists, they did not hesitate to seize her and condemn her, lest she should give glory to God; and therefore, she was condemned, headlong, by the highest crime; but she was not condemned without having steadfastly and constantly professed herself in all the interrogations, having subjected herself and her actions to the Church, and confidently appealing to the Lord and the Pope; and, a few years later, at the urging of her mother and two brothers, she undertook the defense of truth and justice, with a willing heart. Pope Callistus III. By the apostolic authority of this Supreme Pontiff, an inquiry was instituted, which, before that, had been completely rescinded and utterly erased, the infamy of the maiden of Arc. And, moreover,

[*Latin ed. p. 189*]

The Holy Congregation of Rites has examined the cause for the Beatification of Saint Joan of Arc; and, indeed, from this aforementioned investigation, facts of great value have been discovered, and most of the arguments presented are quite firm, demonstrating the heroic virtues of that same maiden of Arc, which afterwards gained strength and certainty, as much as they received an increase from the occurrence of two miracles. Scarcely had the Beatification been completed, when the fame of new miracles began to spread, among which two, which are now being considered, concern healings, and which were proposed by those acting for the can-



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onization of the Blessed Joan. These were thoroughly examined in four discussions. The first took place in the preparatory Congregation, the second and third in two preparatory Congregations, and finally, the fourth in the general Congregation, which, on the eighteenth day of the preceding month of March, was convened before the Most Holy Pope Benedict XV; and in that Congregation, the Most Reverend Cardinal Granito Pignatelli di Belmonte, the Relator of the cause, proposed the following question for discussion: "Concerning which miracles do we declare, after the veneration of the Blessed Joan of Arc has been granted, that, in the case and to the effect of which we are speaking, they have occurred?" The Most Reverend Cardinals and Consultors, in their turn, presented their votes; but the Most Holy Pope withheld his own judgment, meanwhile urging all the electors to seek the will of God through prayer. When he decided to reveal his mind, he designated this, the Lord's Day of the Passion, as the day; and therefore, after having performed the sacred rites most devoutly, he summoned to the Vatican Palace the Most Reverend Cardinals Anthony Vico, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Rites, and Granito Pignatelli di Belmonte, Bishop of Albano Laziale, the Relator of the cause, together with the Reverend Father Angelo Mariani, the General Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, solemnly declared: "We declare that two miracles have occurred; namely, the instantaneous and perfect healing of Mary Anthony Mirandelle from a penetrating plant disease; and the instantaneous and perfect healing of Theresa Bellin from tuberculous peritonitis, as well as from an organic lesion of the uterine orifice." He ordered that this Decree be made public and recorded in the acts of the Sacred Congregation of Rites on the eighth day before the Ides of April in the year 1919.

A. CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Rites.

S. ALEXANDER VERDE, Secretary.

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis - Official Commentary

## IV PREFACES TO BE INSERTED IN THE ROMAN MISSAL

### I. PREFACE FOR FUNERAL MASSES

*Per omnia saecula saeculorum. Amen.*

*Dominus vobiscum.*

*Et cum spiritu tuo.*

*Sursum corda.*

*Habemus ad Dominum.*



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*Gratias agamus Domino Deo nostro.*

*Dignum et iustum est.*

Truly it is worthy and right, just and salutary, always and everywhere to give thanks to You, Lord, holy Father, Almighty, eternal God, through Christ our Lord.

In Him, the hope of blessed resurrection shines forth: that those who are saddened by the certain condition of being reminded, may be comforted by the promise of future immortality.

For to Your faithful, O Lord, life is changed, not taken away; and when this earthly dwelling is dissolved, an eternal dwelling is procured in the heavens.

And therefore, with Angels and Archangels, with Thrones and Dominations, with all the heavenly host, we sing the hymn of Your glory, saying without end:

## URBIS ET ORBIS

His Most Holy Lord Benedict, Pope XV, after consultation with the Congregation of Sacred Rites, has approved the above-mentioned Proper Preface, to be recited henceforth in Funeral Masses in all places, and has ordered that it be duly inserted in future editions of the Roman Missal.

April 9, 1919.

*Eg A. CARD. Vico, Bishop of Portuen and S. Rufinae, S. B. G. Prefect.*

*Alexander Verde, Secretary.*

[*Latin ed. p. 191*]

191 Holy See, Congregation of Rites II. PREFACE FOR THE FEAST OF SAINT JOSEPH, HUSBAND OF THE BLESSED VIRGIN MARY. The following Preface is said on the Feast, on the Solemnity, and throughout the Octave of Saint Joseph. In votive Masses, the following is said: ”And you we praise.” ”For all ages of ages.” R. Amen. v. The Lord be with you. R. And with your spirit. v. Lift up your hearts. R. We lift them up to the Lord. R. It is right and just. Truly it is right and just, and it is our duty, to give you thanks always and everywhere, O Holy Lord, Father Almighty, Eternal God: and to magnify you in the celebration of the blessed Joseph, to bless you, and to proclaim. Who also, as a just man, was given as a spouse by you to the Virgin Mary, and as a faithful servant and prudent man, he was appointed over your family: so that he might guard, in the place of a father, your Only-Begotten Son, conceived by the overshadowing of the Holy Spirit, Jesus Christ our Lord. Through whom the angels praise your majesty, the dominions adore, and the powers tremble. The heavens and the virtues of the heavens, and the blessed Seraphim, celebrate with joyful exultation. With whom may our voices also be joined, that you may deign to hear,



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as we humbly confess. His Holiness Pope Benedict XV, after consultation with the Congregation of Sacred Rites, for his own piety towards Saint Joseph, Spouse of the Blessed Virgin, and Patron of the Catholic Church, has approved the above-mentioned Proper Preface, to be used henceforth in Masses of the same Saint Joseph in all places, and has ordered that it be duly inserted in future editions of the Roman Missal. April 9, 1919. † L. CARD. VICO, Archbishop of Porto and Santa Rufina, Secretary of the Sacred Rites. † S. ALEXANDER VERDE, Secretary.

[*Latin ed. p. 192*]

192 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE SACRED ROMAN TRIBUNAL OF SECOND INSTANCE, GRAVINEN.

### NULLITY OF MARRIAGE (PERRINO-TROTTA)

Under the blessed reign of Pope Benedict XV, in the fourth year of his pontificate, on July 2, 1918, the Most Reverend Fathers, Doctors Peter Bossetti, Ponens, Raphael Ghimenti, and Maximus Massimi, Auditors of the turn, in the case of Gravinen - Nullity of marriage between Maria Antonia Perrino, actress, represented by her legitimate procurator, appointed ex officio, the Reverend Father Aloysius Garabini, advocate, and Dominic Trotta, the defendant, with the intervention and dissent of the Substitute Defender of the Bond of this Holy Tribunal, rendered the following final judgment.

In the parish church of Saint John the Baptist and Saint Lucy, in the city of Gravina, Maria Antonia Perrino, on April 28, 1892, having completed her fourteenth year, entered into marriage, according to the law of Trent, with Dominic Trotta.

The woman had a very difficult temperament: "She was too lively; she easily wandered off in the street; she was very flighty." Therefore, her mother, as she should have done from the daughter's early years, used severity, not excluding beatings, to keep her in line; indeed, she even believed that conjugal companionship would be an effective remedy for controlling and correcting the daughter's character. "The mother said that, because of her too lively character and her frequent acts of foolishness, she thought it would be good to give her the support of a husband soon, because the daughter was too frivolous, lively, foolish, and easily inclined to love; she believed it necessary to give her the marital state immediately."

But, contrary to expectations, after the marital union was established, Maria Antonia, in no way corrected herself, indulging in her temperament, and fostered adulterous loves; she was caught in the act of adultery by her



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husband and was subjected to severe beatings: "Then she wanted to punish her, striking and wounding her with a scourge, so much so that it took away part of the lobe of her ear." Afterwards,

[*Latin ed. p. 193*]

On the 19th of September, a dispute arose between spouses, resulting in the woman's departure from her husband, after only one year of marriage. She had resided in Bari and quarreled with her lover, never returning to her husband. Indeed, twenty years after the abandonment by her husband, Mary Antonia petitioned the Ordinary of Gravina on August 14, 1918, that her marriage, contracted under duress and fear imposed upon her by her mother, be declared null. However, a legal process was initiated, and due to the husband's contumacy, the matter was debated; but the judgment that was rendered was unfavorable to the woman, who then appealed to the Holy See. When it was established that Dominic Trotta had arrived in American shores, he was again summoned by edict, as published in the official commentary of the Acta Apostolicae Sedis, but without effect. Therefore, given the husband's continued contumacy, in the present Rotali session, the case for a definitive judgment is presented under the formula of a doubt: Whether, in the present case, the nullity of the marriage can be established according to law.

Concerning the law: Marriage, being itself a natural contract elevated by the dignity of a sacrament (Pius VIII; Encyclical Humilitati, May 24, 1829), to the extent that the sacrament and the contract are one and the same indivisible entity (Pius IX, Encyclical Ad Apostolicae, 1851), is perfected no differently than other contracts by consent (cap. 5, de Bigam., 1. 30, de B. L); and such consent is required, which must be entirely free and immune from any coercion (CC. 1415-28, de spons. et matrim., cap. 2, de eo qui dux. in matrim., etc.). Therefore, it is the common opinion of theologians and canonists that a marriage entered into under duress and fear is null and void. And rightly so; for if physical force is applied, which affects the body and not the mind, consent is lacking; for who could willingly consent if moral freedom, which the sacred canons require of those entering into marriage, is completely absent? Fear, which affects the mind, although it weakens freedom, does not destroy it; for whoever does something to avoid evil, does it willingly (D. Thom., 2. 2. 6, 61. L. 21, § 3, Quae met. causa; h. 22 de rit. nupt), just as if a sailor, in the midst of a raging storm, throws cargo into the sea; if he does it willingly, he does it (D'Annibale, Summa Theologiae Moralis, 1, 105). Therefore, a marriage entered into under fear is indeed voluntary in a simple and absolute sense, but it is also, in a certain sense, or with respect to a certain aspect, involuntary; for he who is driven to it solely by fear acts in such a way that, in the absence of fear, he would abstain: and therefore, a marriage contracted solely out of fear has a certain sadness and repugnance associated with it, although it is ineffective.



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The sacred canons condemn this. "Where there is no place for consent when fear or coercion intervenes, it is necessary that, where the consent of someone is required, the matter of coercion be repelled. For marriage is contracted solely by consent, and where this is questioned, it must be with full security."

[*Latin ed. p. 194*]

191 Acta Apostolicae Sedis - Commentarium Officiale: "Quod uti animo investigandum est, ne per timorem dicat sibi placere quod odit, et sequatur exitus, qui de invitis solet nuptiis provenire" (cap. 14, de spons. et matrim.). Hinc sequitur, quod errore valde est quod iudex Gravinensis in sententia appellata his verbis asseruit: "In iure, vis et metus ad foedus infirmandum, oportet ut tollant omnino libertatem et voluntarium omnino destruant, sive sub extrema violentia, sive sub metu gravis mali praesentis et futuri." Nam in casu metus incussi, voluntas quodammodo laeditur; metu enim remoto, aliter sese determinaret: non tamen coacta est; posito enim metu, sese ad matrimonium determinat; hinc adagium: "Coacta voluntas, est semper voluntas." Et si, hoc minime obstante, matrimonium fit irritum, non ex consensus absoluto defectu est repetendum, sed a iuris dispositione, qua laeso succurritur et iniuria reparatur. Hanc ob causam, metu passo, actio datur, quod metus causa, ad contractum, ceteroquin validum, rescindendum: quae actio, cum locum non possit habere in matrimonio indissolubili, cautum est a iure ut laeso succurratur ope nullitatis contractus matrimonialis. "Consensus sub tali metu adest; et sicut est sufficiens ad validitatem aliorum contractuum, ita et matrimonii. Ecclesia autem merito illum insufficientem declaravit, quia aliter parti metum passae succurri non poterat" (Gasparri, De matr., II, n. 935). Sic etiam D'Annibale (loc. cit., III, § 315): "Metus dirimit nuptias, nempe (quia semel initae rescindi non possunt secus ac alii contractus) ab initio ipso iure." Sed hoc non de quolibet timore dici debet; non enim in foro externo attenditur metus levis, qui facile contemnitur, et nemo praesumitur compulsus hoc metu (LL 6, 7, 8, Quod met. caus.); nec metus, qui est ab intrinseco, cum res ipsa metum facit, veluti si nauta metuat naufragium (C. 17, De regul.), reus poenam (Ex L. 21, § 10, C. Quod met. caus.); sed unus metus attenditur, qui est ab extrinseco, cum aliquis infert metum ad consensum extorquendum, ut puta si quis, stricto mucrone, me cogat. Et hoc non semper nec eodem modo, sed tantum cum: 1) metus incussus fuerit ad matrimonium extorquendum (CC. 14, 15, 28, de spons. et matr., cap. 2, de eo qui dux. in matr.); 2) si fuerit iniustus quoad substantiam (C. 10, cod.), immo, iuxta non nullos, etiam si fuerit iniustus tantum quoad modum (Lugo, De iust. ei iur. disp. 2, 2; Wernz, IV, n. 265); et 3) si fuerit gravis seu cadens in virum constantem, sive absolute, cum grave est periculum quod imminet, et aestimatur ex damno, ut puta si quis metuat sibi vel carissimis suis carcerem, verbera, stuprum, etc. (L. 3, 7, 8, Quod met. caus.); sive relative, cum gravis est



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mentis trepidatio, et aestimatur ex affectione metum passi (L. 3, Ex quib. caus. maior), seu ex cuiusque indole, aetate, sexu, valetudo.

[*Latin ed. p. 195*]

S. Bomanus, Book 1, Chapter 195, etc. (St. Thomas, 4th Distinct, 29th Question, Article 3; Gasparri, *De Matrimonio*, II, n. 938, 4th edition; D'Annibale, III, paragraph 315, 2nd edition). What is said here concerns ordinary fear, but it also applies to reverential fear; that is, the fear we have of His indignation, in whose power we are constituted. This fear, in itself, is either not entirely fear, or is slight, and does not invalidate marriage; but if something else is added, such as threats, perpetual indignation, importunate and constant prayers, Mineo, and other similar things, it becomes a truly serious and qualified fear, and for this reason, it dissolves the marriage. This is the common opinion of the Doctors (Reiff., I, I, vol. 40, n. 95; Schmalzgr., I, 1, vol. 40, n. 5; Sánchez, I, IV, Disp. 15, n. 14; Gasparri, II, n. 943; D'Annibale, I, § 138, note 14; Wernz, *De Matrimonio*, vol. 8, n. 264); this is the jurisprudence of the Rota (as can be seen, among others, in Parisien, February 20, 1910; in another Parisien, March 13, 1911), which has always been followed by the Holy Congregation of the Council. When it is a question of fear that has been instilled, which is not presumed, the proof of it, which rests on the one alleging it (1, *Cum te non solum*, ff. on those things which are done for the cause of fear), differs in some way from the proof generally required; for since the proof of fear is difficult, "then from the part of him who inflicts it, since it is inflicted 'in secret and in silence'... especially when it is inflicted by the father upon the daughter living with him" (Rota, Decree 326, c. Ludovisi); canon law, to whose prescriptions the impediment must conform, indulges somewhat. Therefore, witnesses are admitted who would otherwise not be admitted, and suitable persons are called, as noted in the final chapter on witnesses, by the Glossary. Therefore, domestics, and even blood relatives, and the parents of the one who has suffered the fear, are admitted (cf. Fol. S. Congr. Concilii in Lucerina, Rest., in integr., March 26, 1768, § Clare); indeed, very often the sworn testimony of the one who has suffered the fear is given; especially if other presumptions concur, which favor it; and those who instilled the fear are also often heard (Rota, Decree 373, n. 13 and 14, par. 18, vol. I, Recent). On the other hand, one must not pronounce against the validity of marriage *a priori*, unless "the complexity of reasons for nullity excludes all doubt about the existence of the impediment" (Instruction of the Holy Office, June 20, 1883): but, considering the difficulty of the proof in the declared hypothesis, fear is considered proven "when such witnesses, conjectures, and aids are joined together, that they give moral certainty to the judge" (Gasparri, II, n. 954), and it is noted "that it is improper to seek those proofs which exclude all possibility to the contrary, when there is sufficient and abundant moral certainty arising from several conjectures



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and aids joined together" (Reiff., vol. 40, n. 78; S. Congregation of the Council in Meievitana, Nullit. matrim., December 22, 1821, § Ioachimae).

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis - Official Commentary on the Matter in Question. Indeed, if all the circumstances are considered together, this moral certainty is established. For Mary Antonia Perrino confesses that she entered into marriage only under compulsion from her mother: "This marriage... was entirely the work of my mother. First, she tried to win me over with flattery; but, seeing my obstinacy, she began to use all the torments and tortures that she knew and could inflict upon me... It was then that I resigned myself to my fate. I refused to accept the proposal (of marriage). The things and acts to which she resorted, even striking me with a rope soaked in water, and with sticks... terrified me, and it was then that, in order to calm her, I consented." This confession cannot be considered as true proof, since it was made after the marriage, at a suspicious time (Cap. 5, tit. 13, lib. 3, X; Instr. Austr., n. 148 et 169; Rota, dec. 264, n. 44, par. 5, tom. I, Recent.; dec. 165, n. 57, par. Vi, Recent.; Wernz, n.-745, edit. 1911); however, it is considered as a supporting element, which, when joined with other supporting elements, is not without probative force. Such a confession, made even at a time not considered suspicious, when the woman had not even considered bringing an accusation regarding the marriage of Mary Antonia; indeed, when, unaware of the impediment, she could not even have thought of it. This is what the Reverend Pizza Paschalis testifies: "I had the opportunity to see the Lady Perrino in 1909... She told me... that her marriage was unfortunate: that her mother was the instigator of it, and that, when she was only 13 years old, every difficulty was overcome with a false certificate. The mother, of a violent character, wanted the marriage first with another man, and, after this failed, after three months, with Trotta. To this end, she treated her daughter with insults and even resorted to violence"; and this after the woman, when questioned, had replied that she had not observed the Paschal precept, and had also added that she was living in concubinage. Upon hearing this, the witness Pizza advised her to seek counsel for her conscience by appealing to the Church: "After taking advice from competent people... I tried to persuade her to submit her case to the judgment of the Church." Because the woman openly accuses herself of violating the Paschal precept and of a shameful concubinage, the presumption of lying is not to be presumed when she recounts other things; and if she deserves to be believed when she speaks against herself, she is also to be believed when she speaks in her own favor. Therefore, the same witness affirmed without any doubt: "I can, with a clear conscience, assure that the Lady was perfectly sincere when she made such revelations to me, and in the various interrogators to whom I presented her at different times, she never varied from her first account." This is consistent with the



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character of the witness; for all the witnesses consider her to be truthful.

[*Latin ed. p. 197*]

Saint Boman Bota 197 declares that she is incapable of lying, and, at least until recently, those who have had dealings with her testify to this, as stated by Laetitia Tata, Rosa Loglisci, Maria Chiarelli, Salvator Trotta, and Dominica La Vecchia; the latter two are relatives. There is no reason why this should not also be true for the subsequent period, about which the witnesses have not stated anything to the contrary, since they have not seen her for a long time. And this is all the more so because the woman, rather unfortunate than impious, although she lived in concubinage, did not abandon the duties of religion, but, as far as she could, practiced piety. "In the church of Saint Ferdinand," said the witness Canon Bux, "she derived benefit from her piety," which Father Pizza also praises. Therefore, the insinuation of the Substitute Defender of the Bond, which denies the faith of Maria Antonia, should not be given weight, and the testimonies that affirm her credibility should be considered. Her blameworthy life does not prevent her from testifying; rather, because she has suffered fear, she should be heard, and her testimony should be considered, unless it is found to be false: "An oath is not required when strong suspicions exist against the person taking the oath" (Rota, Decree 12, No. 6, year 1911, case Mori); which, in this case, has not been proven. Maria Antonia testified about the fear she experienced, and from this, several things are likely. Not only did she herself testify that she had a strong aversion to the proposed marriage with Dominic Trotta: "My mother," she said, "would never have allowed me to marry a peasant... I did not feel like it for many reasons... I refused to accept the proposal solely because I did not feel like marrying a peasant... The thought of marrying a man of peasant status repulsed me: but I had to submit to my mother's will"; but the witnesses also confirm this; Rosa Loglisci, the actress's aunt, said: "To me, who always thought she would prefer the peasant..., she declared that, despite the young man's good qualities, she did not want to marry a peasant." Francis Perrino, her uncle, said: "She told me that she did not accept the hand of Dominic Trotta because he was of peasant status"; the same thing was testified by Dominica La Vecchia, the groom's mother, and Angela Giannini. Indeed, this repugnance of Maria Antonia suggests the presumption of fear and a violation of her freedom, which are essential elements of a marriage contract according to the law, as held in a similar case by the Rota (Decree 326, No. 7, case Ludovisi): "By deducing the likelihood from excessive aversion and repugnance... which, as they declare, are alien to the mind of the Marchioness (L. si quis § plerique ff. de deleg, et suwtpt.), thus removing consent from the contracts"; and Cosci (De sep. thor., 1, I, c. 8, No. 54) states "that, on the part of the woman, fear is proven by witnesses if



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they testify about her aversion to her spouse before and after the marriage."

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis - Official Commentary "nium". This presumption, combined with other supporting evidence, has greatly contributed to establishing the truth. Indeed, the mother of Maria Antonia greatly desired the marriage of her daughter to Dominic Trotta. "My mother," said the actress, "told me that she would give me in marriage to Mr. Trotta... She wanted me to follow her 'into the house' to express my consent." The witnesses also affirm this: "I was informed," said Salvator Trotta, the father of the groom, "that it was the mother's desire 'to conclude the marriage.'" The same is repeated by Dominica Lavecchia, the mother of the groom, Angela Giannini, who was a strong mediator in this matter, Laetitia Tata, and Rosa Loglisci; indeed, while all testify with one voice about the mother's desire, they add that they did not approve of the mother's actions. "The mother's conduct was judged poorly," said Laetitia Tata, "because the girl's age and her behavior were not suitable 'for the marital state.'" Maria Ghiarinelli testified, "I and the neighbors 'commented on the mother's eagerness to give her daughter the 'status of a married woman,' even though she was still so young, having just turned 13 years old." So strong was this desire of the mother that, when the groom's parents were unable to bear the necessary expenses and therefore wanted to postpone the marriage, she removed the difficulty by offering the necessary money. "The mother of the Perrino 'provided for this,' said Salvator Trotta, 'by giving me one hundred and fifty lire,' and furthermore, and this is more serious, the marriage was contracted before the civil authorities in violation of the law; for since Maria Antonia had not yet reached the age established by civil law (Cod. Civ. Mal., art. 15), a fraudulent birth certificate of her deceased sister of the same name was presented, and thus, in the fifteenth year, she appeared to be of age. It is not stated in the records who carried out this act; but the daughter accuses her mother: "I felt 'too young, only 14 years old, and my mother, in order to have me married civilly, presented a birth certificate of my older sister, who had died 'before I was born, so that I was given the same name as the deceased,'" and this accusation is confirmed by the witness, Canon Bux: "From the account of the same Perrino, and from others who 'were close to her, I was told that the young woman was married with a birth certificate of a 'sister who had died, because the mother was interested in placing her with 'Trotta...'" However, given the mother's interest, which no one else had, there is, if not certainty, at least a well-founded presumption that this was done by her actions. "Once this is established, 'it must be considered whether those who are accused of 'having used force had parental authority and 'power... what was the nature of the 'relationships, what was the 'condition, what were the 'manners, and how did they



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'govern the family?"

[*Latin ed. p. 199*]

St. Boma Bota 199 "were inclined to anger and violence, so that they 'easily carried out what they threatened, and were so hard and obstinate in spirit that they would allow no one to contradict them,' according to the instruction of the Holy Office, dated June 20, 1883. Such was the character of Maria Antonia, the mother, that, utterly forgetting natural affection, she showed herself to be very inhuman to her daughter; for she did not seek to pity her daughter's infirmities of age and nature, but rather, she treated her cruelly. This is how the actress recounts it: "The methods she used were such that she would strike me with a rope, and even with sticks, and especially with what is called a 'matterello,' etc.; I must point out the character of my mother: she had always been cruel to me since I was a child, because she often beat me, and even bit me to curb my excessive vivacity." And this is confirmed by witnesses: "The mother," said Rosa Loglisci, "either with insinuations, or with threats, or with physical violence, with blows, or bites, or pinches, sought to persuade the daughter to her will." Laetitia Tata also testifies: "I remember that the mother was severe with the daughter, and often used violent means of beating, biting, and pinching her, because the daughter was too lively." And Irenes Modugno states: "I know that (Maria Antonia) was frequently beaten by her mother, and sometimes even inhumanly, and this was because the daughter was very restless and disobedient." Indeed, the witnesses state that the mother behaved in this way towards her daughter from her very tender age, and even because of her natural defects; from which it would seem that the acts of cruelty were not intended to secure a marriage by consent, but rather to force the daughter into it; the witnesses state that they know nothing about this, and confess that they were unaware of it. But above all, from these accounts, it can be gathered what the mother's disposition was, and that the reason for governing the family was rather driven by passion than by reason, and by a cruel spirit. But furthermore, nothing prevents the possibility that the acts of cruelty were also intended to secure the marriage. For a mother who uses such methods in dealing with her daughter, methods that would scarcely be used, if at all, with wild beasts, is so determined in her purpose that her will is absolute law, and she allows her daughter no means of ever contradicting her, and will ensure that she lives a perpetually unhappy life under such a mother; and therefore, considering on the one hand the daughter's reluctance to enter into marriage, and on the other the mother's firm will that she should accept it, it is justly and rightly held that the mother, as in other matters, so also in this, used the same methods to subdue the daughter's reluctance to her will. This, however, is not without solid foundation. For when the matter of the betrothal was being discussed, the cruel mother struck the reluctant daughter with blows, as not only



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Maria Antonia, but also the witnesses testify.

[*Latin ed. p. 200*]

200 Acta Apostolicae Sedis - The Official Commentary states: She said: "When this man (the fiancé), together with his family, came to 'my house to make the formal request for marriage, I fled to the house of Angela Giannini so as not to appear, and in addition to a slap, all of my mother's threats were needed to persuade me to present myself to the fiancé's parents." She also confirmed this before the judge: "On the day when the fiancé's parents came to my house to make the official proposal... I went to the adjacent house of Angela Giannini. But my mother arrived, who wanted me to follow her into the house to express my consent, and seeing me reluctant, she slapped me and made so many threats that I had to follow her." Among the witnesses, Angela Giannini testified: "As soon as Maria Antonia Perrino saw those new people in the house, suspecting, or rather, knowing their purpose, she tried to leave the house; but she was held back by her mother, who struck her with a slap; but even after the slap, Maria Antonia Perrino fled and came to my house, saying to me: 'My mother wants to show me the fiancé, and I have fled because I do not want to see him.'" There is some discrepancy between the two accounts, but this does not matter, since it is accidental and not substantial; it concerns a matter of time, but the fact is the same, and the discrepancy is well explained by a lapse of memory, since we are dealing with events that occurred twenty years ago. If the mother behaved in this way from the beginning, it is reasonable to assume that she behaved in the same way throughout the negotiations; the same circumstances of people and events were present. And indeed, Dominica Lavecchia, the actress's mother-in-law, reports: "During the period of the marriage negotiations... I went to her house several times for the wedding preparations. I noticed that sometimes, when I arrived at the house, Maria Antonia would leave to go to the house of one neighbor or another, and the mother would go to look for her and bring her back, even scolding her. They told me that the mother, when she did not see obedience, often used mistreatment and beatings, but this never happened in my presence." Even Angela Giannini testifies to the same: "The marriage arrangements continued, sometimes with her consent and sometimes with her refusal, depending on the promises of future clothing, or the threats, or the beatings"; and Maria Chiarelli said: "I cannot say whether the same treatment, which continued during the period of the negotiations for the aforementioned marriage, was motivated by the desire to force her into the same marriage." More serious are the things reported by the actress's aunt, Rosa Loglisci: "The mother - she says - and I myself preferred the proposal of Domenico Trotta to that of the 'artiere'... But Maria Antonia Perrino preferred the



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'artiere' to the farmer."

[*Latin ed. p. 201*]

"Saint Bonaventure, book 20, chapter 1: 'The mother, always thinking of the best arrangement, now with "insinuations," now with "threats," now with "forceful means," with "blows," with "bites and pinches," sought to persuade the daughter to her will...' All of these things came to pass to the point that the witness was able to conclude: 'In my opinion, I am convinced that the daughter accepted the marriage not of her own free will, but to obey and to remove the reason for the mistreatment, because once she said to me: "I will take him, but not with pleasure." Therefore, the vexations inflicted upon the daughter were also directed towards obtaining her consent to the marriage; for through these, she sought to "persuade the daughter to her will," and this all the more because Reiffenstuel (1. I, title 40, no. 29) teaches that "if there is doubt as to whether fear has been directly or indirectly instilled, fear is presumed to be direct" (cf. Gasparri, De Matr., U, no. 951). Indeed, fear was instilled, which falls upon a steadfast man. For, as Pignatellus says (vol. IX, Cons. 130, no. 19): "When fear is conceived solely from the quality of the person, it does not impede freedom; but when it is conceived not only from the person, but also from the quality of the petition or command, because it clearly shows a completely determined intention to obtain what is requested, then it certainly falls upon a steadfast man. Because he reasonably persuades himself that if he does not obey the one requesting or commanding, he will be greatly angered. Therefore, reverence is joined with the fear of indignation and damage that may follow; and therefore it is sufficient to fall upon a steadfast man; indeed, if he did not fear, he would not be steadfast, but rash." And Glericatus (Dec. 37, de matr., no. 21) writes: "Reverential fear is considered in two ways, either with the danger of some great evil, or without danger. In the first way, when a son or daughter, despite the will of the father, reasonably fears to offend him, to make him look down upon them, to speak harshly, and even more so if they hear him saying abusive words, or threatening blows and beatings, or promising other mortifications to themselves, all of which are considered to be serious and intolerable evils in a son or daughter. Secondly, etc. The condition of not only the mother, but also the daughter, must be considered. Account must be taken first of the sex of the person who is said to have suffered violence; "for the mind of a girl is more easily moved than that of a man; then of her age, education, character, whether she is mild and timid, or strong and steadfast; and in what way she is accustomed to live in the family, whether under the custody and vigilance of her parents, so that she always and in all things depended on their authority" (Instr. cited). And rightly so: for the affections of the mind make fear either more serious or less serious; one indeed does not fear death, another is moved



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by a threatening look. Whether fear is free..."

[*Latin ed. p. 202*]

202 Acta Apostolicae Sedis - Commentarium Officiale: If a violation of canon law is alleged, it must be inquired into whether the subject was in a state of passive fear, and not merely whether others held an opinion, as Barbosa teaches (Voi. decis., 1.1, n. 26): "The presumption of validity is strengthened by considering the 'person who is subjected to it,' as the Rota stated in its reasoning with these words: 'For 'children, in whom little experience is found, and who, because of their immaturity, are frightened by even the smallest things,' are afraid, not only of the fear that we call coercive, but also of reverential fear.'" Indeed, Maria Antonia, when the matter of marriage was being considered, had barely exceeded her thirteenth year, and had not yet attained the age of judgment; nor was she endowed with such qualities as would have allowed her to be considered a woman formed in her own nature, prudent and strong, and sufficiently capable of undertaking the obligations of marriage. She was also orphaned by her father, and was forced to live under the care of a mother, so severe and cruel, that she was entirely devoid of human kindness. Given these circumstances, it is not surprising that the girl's spirit was greatly shaken, and that she ultimately yielded to her mother's desire for marriage, so as not to constantly experience the effects of her mother's anger; thus, she was not filled with the joy or security that the sacred canons require, and which must be greater than in other contracts. It cannot be said that Maria Antonia did not manifest clear signs of joy on the day of the marriage celebration: "The wedding celebration was held with complete harmony, and they went to contract both the civil and the religious marriage with complete willingness; on the wedding day, she seemed content and satisfied," as the witnesses affirm; which shows that either she was not forced, or that she was not led to the marriage by coercion, or that the fear did not persist until the celebration of the marriage; thus, the girl who was unwilling became willing. In this case, there can be no question of the nullity of the marriage; for even if fear was instilled, it did not induce nullity, since it did not persist until the celebration of the marriage (Rota, in Bomcma - Matrimonii, July 1, 1727; and in Leueorien. - Matrimonii, January 10, 1727, c. Calcagnino). For, first of all, one may doubt the bride's joy; for not all witnesses affirm that she was truly happy and cheerful on the day of the marriage, but they say that she seemed to be so: "She seemed content," whether they asserted this well or poorly, it is not known, since they did not assign any fact suitable for declaring true joy. But furthermore, in this case, one must also consider the condition of the girl, not only of tender age, but also...

[*Latin ed. p. 203*]

Saint Mary, with a most gentle and changeable disposition, was seen



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to be content and cheerful, having been captivated by the beauty of silk dresses and the admiration of her female companions, forgetting all that she had suffered. Indeed, this was the constant manner in which Maria Antonia behaved throughout the entire period of the marriage preparations. Her mother, in fact, was careful to subject her daughter to promises of these very dresses, to which she would sometimes acquiesce; but, once her mother's anger had subsided, she would again revert to her contrary opinion. "It is true that, at the insistence of my mother, I sometimes manifested my assent; and this was especially the case when promises of silk dresses and other beautiful gifts were made to me, because, at that age, that is, at the age of fourteen, such things pleased me. But most of the time I always refused, for the reason that I did not want a husband in that condition." Among the means by which the mother sought to subdue her daughter were threats, which were repeated from time to time; and there were also persuasions and enticements; for which reason, at times I rebelled, and at times I agreed: and I can say that this was the story of more than two months, which is how long the preparations for the marriage lasted... To appease her, I would agree, but then, after a few days, I would be back to rebelling, and she would return to her usual methods." Later, the girl, who constantly vacillated between wanting and not wanting, as she was frightened by vexations and enticed by promises, or who used her freedom, is not to be considered to have seriously wanted what she finally accepted: for she accepted it to appease the vexations, and therefore, although she may have been cheerful and happy on the day of the marriage, this does not constitute an argument for demonstrating her free consent in that celebration. This must be kept in mind, considering the general nature of things; for young women are often agitated by the festive preparations, by the congratulations of all, by the novelty of the situation, especially if they are very young, so that a great disturbance may be present in their minds, even though due joy appears on their faces. Therefore, if any signs of outward joy appeared in Maria Antonia, these are perfectly consistent with her intentions, and they do not demonstrate that she had changed her mind. Therefore, considering the nature of the mother, and her way of acting, and the condition of the daughter, she was not, in entering into this marriage, possessed of that freedom which she ought to have had, and this was not qualified by a reverential fear, which, from what has been said, was not only grave and direct towards extorting the marriage, but was also unjust, because she was forced to marry, which she did not want; and this consists in the injustice of the fear. For in entering into marriage, children do not have a dependence on their parents by divine and ecclesiastical law, nor are they compelled to follow their will.

[*Latin ed. p. 204*]

Acts of the Apostolic See – Official Commentary. Therefore, in this case,



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the right of Maria Antonia was violated, and the fear was unjust. "However, if marriage ought not to depend on the will of anyone, and if it ought to be immune from any coercion, it follows that it is unjust and an impediment to establish a fear that parents instill in their children, so that they might enter into such a marriage" (Rota, decree 493, n. 30, par. IV; decree 242, n. 13; decree 346, n. 7, par. XIV, Rec.). Having considered all of these things, both in law and in fact, We, the undersigned Auditors sitting for the Tribunal, and having only God before our eyes, invoking the name of Christ, decree, declare, and pronounce that the marriage is null in this case, or, responding to the proposed question: Affirmative. Wherefore, We command the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the Sacred Canons, especially chapter 3, session XXV, concerning appeals, of the Council of Trent, using those executive and coercive means which they shall judge to be more effective and appropriate for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 2nd day of July, 1918; Petrus Rossetti, President. Raphael Giumenti. Maximus Massimi. L. S. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 205*]

Diarium Romanae Curiae 205. SACRA CONGREGAZIONE DEI RITI. Martedì, 8 aprile 1919, nel Palazzo Apostolico Vaticano, si è tenuta la Congregazione Preparatoria dei Sacri Riti, nella quale, con la partecipazione degli Eminentissimi e Reverendissimi Signori Cardinali, membri della stessa, dei Reverendissimi Prelati Officiali e dei Reverendissimi Consultori Teologi, è stato discusso il dubbio riguardante l'eroismo delle virtù esercitate dal Venerabile Servo di Dio Giovanni Nepomuceno Neumann, Vescovo di Philadelphia, della Congregazione del Santissimo Redentore.

SEGRETERIA DI STATO. NOMINE. Con biglietti della Segreteria di Stato, il Santissimo Padre si è degnato di nominare:

31 marzo; 3 aprile; 8 aprile; 9 aprile; »; »; »; »; »; 1919.

Mons. Francesco Parrillo, Prelato Uditore della S.R. Rota.

Il Rev.mo sac. D. Giovanni Trione, della Congregazione Salesiana del Ven. Giovanni Bosco, Consultore della S. Congregazione dei Sacramenti.

L'Eminentissimo signor Cardinale Aido Gasquet, Presidente Onorario della Pia Società di S. Girolamo per la diffusione dei SS. Vangeli.

L'Eminentissimo signor Cardinale Michele Lega, Protettore della Venerabile Confraternita delle Stimmate di S. Francesco, in Firenze.

Il Rev.mo sac. D. Enrico Quattrocolo, Difensore del Vincolo presso il Tribunale della Sacra Romana Rota.

Il Rev.mo sac. D. Giuseppe Malusardi, Minutante della Sacra Congregazione degli Affari Ecclesiastici Straordinari.



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L'Eminentissimo signor Cardinale Giovanni Caglierò, Membro della Sacra Congregazione degli Affari Ecclesiastici Straordinari.

Mons. Gastone La Perrine d'Hautpoul, vescovo titolare di Caristo, Consultore della S. C. Concistoriale.

[*Latin ed. p. 206*]

Acta Apostolicae Sedis, r- Commentarium Officiale, 206, 19 Aprilis, 15, 16, 17, 19, 22, 1919.

The Most Reverend Cardinal Oreste Giorgi, Member of the Sacred Congregation for the Propagation of the Faith.

The Most Reverend Cardinal Gaetano Bisleti, Protector of the Primary Association of the Most Holy Cross, established in the Basilica of the Salarian Way.

The Most Reverend Cardinal Ottavio Cagiano de Azevedo, Protector of the Institute of Perpetual Adorers of the Most Holy Sacrament.

The Most Reverend Cardinal Donato Sbarretti, Protector of the Pontifical Theological Academy.

The Most Reverend Cardinal Michele Lega, Protector of the Italian Anti-Slavery Society.

The Most Reverend Cardinal Oreste Giorgi, Protector of the Institute of the Filippine Oblates in Boma.

By Apostolic Briefs, the Holy Father deigned to appoint:

Assistants to the Papal Throne: 8 Aprilis, 1919.

Most Reverend Monsignor Paolo Bruchesi, Archbishop of Montreal in Canada.

Most Reverend Monsignor Paolo Stanislao La Rocque, Bishop of Sherbrooke.

Protonotaries Apostolic *ad instar participantium*: 2, 11 Aprilis, 1919.

Most Reverend Monsignor Francesco Nardi, of the diocese of Conversano.

Most Reverend Monsignor Edoardo Chichy, of the diocese of Saint-Dié.

Domestic Prelates of His Holiness: 6 Augusti, 1918.

Most Reverend Monsignor Dionisio O'Connor, of the diocese of London.

26 Octobris, Most Reverend Monsignor Giacomo Alfonso Griffin, of the diocese of Sioux City.

7 Martii, 1919. Most Reverend Monsignor Pio Berti, of the archdiocese of Florence.

27, Most Reverend Monsignor Giorgio Waring, Chancellor of the Bishop of Castres in the United States.

3 Aprilis, Most Reverend Monsignor Luigi Apollon Morel, of the diocese of Nancy.



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4, Most Reverend Monsignor Pietro Giuseppe Amedeo Lefebvre, of the diocese of Sherbrooke.

, Most Reverend Monsignor Alfonso Osia Gagnon, of the same diocese.

, Most Reverend Monsignor Filemone Brastard, of the same diocese.

, Most Reverend Monsignor Giuseppe Amedeo Dufresne, of the same diocese.

9, Most Reverend Monsignor Giuseppe Bollón, of the archdiocese of Algiers.

12, Most Reverend Monsignor Donato Frese, of the diocese of Caserta.

, Most Reverend Monsignor Giuseppe Pepe-Maturi, of the same diocese.

13, Most Reverend Monsignor Timoteo Gibiliseo, of the diocese of Piazza Armerina.

[*Latin ed. p. 207*]

From the Roman Curia Diary, 207: HONORS. With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: March 23, 1919. To Mr. Luigi de Nadal Artòs, of the diocese of Barcelona.

The Commander's Cross of the Order of Saint Gregory the Great, civil class: April 15, 1919. To Mr. Bartolomeo Castelli, of the diocese of Tortona.

The Knighthood of the Order of Saint Gregory the Great, civil class: August 6, 1918. To Mr. Filippo I. Pocock, of the diocese of London. February 12, 1919. To Mr. Fernando Georlette, General Consul of Brazil in Antwerp. March 23. To Mr. Pietro Girardon, of the diocese of Valence. March 30. To Mr. Guglielmo Giorgio Federico de Bruyn. April 4. To Mr. Giovanni Patrizio Tye, of the diocese of Brentwood. April. To Mr. Arturo Gauss, formerly Secretary of the Chancery of the Austro-Hungarian Legation in Munich of Bavaria. April 9. To Mr. Pietro Scheffers, of the diocese of Bois-le-Duc. April 12. To Mr. Benedetto Genna, of the diocese of Mazzara del Vallo.

The Knighthood of the Order of Saint Gregory the Great, military class: April 1, 1919. To Mr. Alberto Traband, Captain of the French Navy. To Mr. Paolo Mass, Captain of the French Navy. To Mr. Antonio Edde, Second Class Commissioner of the French Navy.

The Knighthood of the Order of Saint Sylvester the Pope: April 8, 1919. To Mr. Carlo Tornassi, of Rome. To Mr. Engineer Architect Giuseppe Mariani, of Rome.

[*Latin ed. p. 208*]

Acts of the Apostolic See - Official Commentary 208 PAPAL APPOINTMENTS With the tickets of His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:



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August 26, 1918. Monsignor Vincenzo Schweitz, of the diocese of Rottemburgo.

February 17, 1919. Monsignor Anthony Tabanelli, of the diocese of Modigliana.

Monsignor Anthony Mengolini, of the same diocese.

March 18. Monsignor Lorenzo Monaco, of the archdiocese of Brindisi.

April 1. Monsignor Giuseppe Naddeo, of the diocese of Potenza and Marsico.

Extraordinary Chamberlain of the Sword and Mantle to His Holiness:

June 28, 1918. Mr. Nicola Frederick Brady, of the archdiocese of New York.

Honorary Chamberlains in purple attire to His Holiness:

August 26.

March 17.

March 28.

March 29, 1918. Monsignor Francesco Saverio Reck, of the diocese of Rottemburgo.

Monsignor Corrado Kümmel, of the same diocese.

Monsignor Michele Munz, of the same diocese.

Monsignor Carlo Moehler, of the same diocese.

Monsignor Stefano Magg, of the same diocese.

1919. Monsignor Salvatore Fiore, of the diocese of Levkosia.

Monsignor Amedeo Carrillo Archidona, of the diocese of Madrid.

Monsignor Francesco Annibale Ferretti, of Rome.

Honorary Chamberlain outside the city to His Holiness:

August 26, 1918. Monsignor Giuseppe Müller, of the diocese of Rottemburgo.

Extraordinary Chamberlain of the Sword and Mantle to His Holiness:

March 2, 1919. Mr. Emilio Edmondo Egberto Sassen, of the diocese of Ruremonda.

NECROLOGY

March 24, 1919. Monsignor Alessandro Parvi, Bishop of Scepusio (Hungary).

[*Latin ed. p. 209*]

June 2, 1910. Year XI - Vol. XL. OFFICIAL ACTS OF THE SACRED CONGREGATION. ACTS OF POPE BENEDICT XV. LETTER TO THE MOST REVEREND FELIX, CARDINAL, AND TO OTHER ARCHBISHOPS OF GERMANY. ENCYCLICAL. "HARTMANN, AND BISHOPS, APOSTLE, AND APOSTOLIC CONGREGATION, AT THE BEGINNING OF THE GLORIOUS ARCHDIOCESE OF COLOGNE, CONCERNING



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THE FEAST OF SAINT BONIFACE, THE CONSTANT, AND THE TWELFTH CENTURY MARTYR, CELEBRATED BY THE PEOPLE OF GERMANY, BY THE APOSTOLIC LEGATION."

BENEDICT XV, POPE. TO OUR BELOVED SONS AND VENERABLE BROTHERS, IN THE APOSTOLIC CONGREGATION, GREETINGS AND APOSTOLIC BENEDICTION.

In this great burden and distress, which presses us from all sides, beyond measure, in these most bitter times, – "besides those things which are without: my daily instance, the solicitude for all the churches," as we use the apostolic words, We have, with greater solicitude and heavier cares, pursued, Our Beloved Sons and Venerable Brothers, those recent events and the most turbulent upheavals of public affairs, which have occurred among your peoples and those neighboring them, and which still hold the minds of men in suspense with the expectation of the future.

But even amidst these dark times and the disturbances of public affairs, a certain ray of light shines forth from those very regions, a messenger of good hope and joy.

[*Latin ed. p. 210*]

210 Acta Apostolicae Sedis - Official Commentary: We recall, as is well known, that twelve centuries ago, Germany, a Christian people, received salvation through the preaching of the Gospel, sent by Boniface, with the authority of the Roman Pontiff, as a legate of the Apostolic See. Regarding this matter, it is a source of mutual comfort and paternal joy to converse with you at this time. For in plainly communicating to you our hope and joy, we bear witness to our love for you and for your entire people, and at the same time, we most pleasantly commemorate the bond between your German people and this Apostolic See, and we ardently desire it; a bond which, at the beginning, laid the foundation of faith among you and brought forth the most joyous increase, and which, after a certain man was sent by the Apostolic See on a mission to Rome, was ennobled by the glory of his deeds, and was itself confirmed by the shedding of his blood. Having completed these most blessed beginnings of the Catholic religion in the twelfth century, we see that you are preparing, as far as circumstances permit, secular celebrations, which will recall that new era of Christian humanity, begun with the mission and preaching of Boniface, and propagated through the efforts of his disciples and successors, from which Germany has derived all its salvation and prosperity, and which should be remembered with gratitude and celebrated with worthy praise. Moreover, we know that you, beloved Son and venerable Brothers, are not only looking back at the happy memory and the auspicious celebration of past events, but also aspire to a certain perfection, and even to the most desired restoration of religious unity and peace. For these are the greatest goods, born of Christian faith and charity, which Christ our God and Lord



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has brought down from heaven, and which He has entrusted to His Church and to His Vicar on earth, the Roman Pontiff, to be maintained, spread, and defended. Hence, this necessary connection with this Apostolic See, of which Boniface was the most perfect herald and example: hence also a certain mutual love and agreement of offices between the Roman See and your people.

[*Latin ed. p. 211*]

The acts of Pope Benedict XV relate that Boniface, at that time, was marvelously bound to Christ and to the Vicar of Christ on earth. Remembering this most profound unity and concord, we desire that it be restored among all, so that "Christ may be all in all." Indeed, without the most delightful harmony, they can now, after so long an interval, which is eloquently recounted by the most ancient writers of that age, especially Willibald, a bishop nearly contemporary with Boniface, who, along with other most holy men, recounted his virtues and deeds, and above all, the most fortunate beginnings and progress of his Roman legation among the German peoples. Having indeed been instructed in a long period of religious training, having entered as an innocent boy in his homeland, and having also experienced some danger in the apostolic life among barbarian peoples, as if exploring, Boniface understood that nothing could be achieved of great and lasting fruit unless there was agreement and approval, and indeed, unless his own mission or mandate from the Apostolic See was added. Therefore, having rejected the most honorable dignity of abbot, and having overcome the adverse efforts and tears of his religious brethren, he bid farewell to his brothers and set out through a long expanse of land and over well-known sea routes, successfully approaching the threshold of St. Peter the Apostle, and there, having venerated the venerable Seat of the Apostolic Papacy, he met Pope Gregory, a man of blessed memory, and, as he himself stated, "he manifested to him, through the very course of his journey and the occasion of his arrival, how much longer he had desired to toil." Then, the holy man was received by "the holy Pope with a cheerful countenance and smiling eyes," and he was not only spoken to once, but "he had daily discussions" with him, and finally, with the most extensive words and writings, and even letters, he entrusted him with the care of proclaiming the Gospel to all the German peoples.

[*Latin ed. p. 212*]

Acts of the Apostolic See - Official Commentary. With these very words, the Pope, far more clearly than the writers of that age, recalls and explains, and commends, the mandate of the "Apostolic See," or "Apostolic Pontiff," as he sees fit and as widely as possible. For his words possess such gravity and weight of authority that they can scarcely be surpassed: "He says: 'Since the religious purposes which brightly shine in Christ have been



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made manifest to us, and since you have shown the most sincere faith, we, in order to add to the grace of the divine word, the care of which we administer, use you as a minister, so that you may...' " Then, praising his doctrine, character, purpose, and, with the supreme authority of the Apostolic See interposed, which Boniface himself invoked, he concludes this solemn matter as if it were a precept: "Therefore, in the name of the indivisible Trinity, (with) the unwavering authority of the blessed Apostle Peter, the prince of the Apostles, whose doctrine and teachings we follow and through whom we administer the sacraments and the affairs of this holy See, we establish and command that you, with the modesty of your religion, may hasten to the nations, wherever they are held captive by the error of infidelity, so that, accompanied by God, you may signify the ministry of the Kingdom of God through the persuasion of the most true name of Christ our Lord; and finally, he admonishes that he maintain the discipline of the sacraments according to the formulas of the holy Apostolic See, and that if he perceives that the actions undertaken are lacking, he should inform the Roman Pontiff. Indeed, from these very same most excellent letters, one cannot fail to understand how deeply the holy Pope cherished and loved Boniface himself, and how much concern and paternal care he felt for all the people of Germany, to whom he intended to preach the Gospel so sacredly and so dearly. And this awareness of the mandate, joined with Christian charity, constantly urged the apostolic man, relieved his sorrow, raised him up, and strengthened his efforts with the sacred confidence of his faith. This was immediately apparent upon his first arrival in Boioaria and Thuringia, as is narrated in his first letter.

[*Latin ed. p. 213*]

The acts of Pope Benedict XV, page 213, record that the most learned writer, having been entrusted with a mission by the apostolic pontiff, addressed the senators and the people, and indeed all the most distinguished of the realm, with spiritual words, and incited them to the path of true knowledge and the light of understanding. These same considerations, bestowed upon him in his legation, detracted from his leisure and even his life, with which he might have rested in a place so agreeable, but he constantly turned away from them; and, moved by the desire to strive for the glory of God and the salvation of souls, either to acquire or to increase them, he devoted himself solely to that purpose. But with this devotion and piety with which he was endowed, when he referred to the mission he had received from the Apostolic See, he submitted the same to the Roman letters and messengers, so that, as soon as the course of the legation began, "the venerable pontiff of the Apostolic See revealed to him all that had been done concerning him... in order," and "regarding matters pertaining to the daily needs of the Church of God and the benefit of the people, he wrote down more, upon the advice of the Apostolic See." At this time, Boniface



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demonstrated a singular and proper sense of piety, which he himself, in a letter to Pope Zachary, eloquently expressed: "After having, for nearly thirty years, been in the familiarity and service of the Apostolic See, under the venerable memory of the apostolic predecessor, Gregory, I was constrained by a vow, that whatever happened to me, whether joy or sorrow, I should report to the apostolic pontiff, so that in joy we might praise God together, and in sorrow we might seek his counsel." These two instances are frequently encountered, and they demonstrate the constant exchange of letters between this zealous herald of the Gospel and the Apostolic See, and the wonderful agreement of wills, which continued under the glorious and fortunate rule of the aforementioned pontiff.

1 Vita S. Bonifacii, cap. VI, 16.

2 Ibid., VII, 19.

3 Ep. LIX (al. LVII).

[*Latin ed. p. 214*]

Acts of the Apostolic See - Official Commentary. The Roman Pontiffs themselves never neglected to provide the most skilled legates with care and assistance, and, furthermore, Boniface never neglected anything, never relinquished his zeal for duty, and, acting as a father in the place of a father, he fulfilled the most sacred legations, and even surpassed them. Therefore, Pope Gregory, understanding fully how widely the evangelical field extended, and how the harvest was becoming white, and how a great multitude of people was being added to the holy Church through him, he decreed to confer upon Boniface the highest degree of the priesthood and to impose upon him the episcopal office over the entire province of Germany. To this, Boniface, who had previously resisted his most beloved friend Willibrord, "because he dared not contradict so great a Pope, the Apostolic See," consented and obeyed. Moreover, the Roman Pontiff bestowed upon him this most excellent honor, either by honor or by benefit, by commending him to the posterity of the Germans, thus establishing a familiarity with the Apostolic See for Boniface and for all those subject to him from that time forward. This familiarity, indeed, Gregory himself had demonstrated many times before, through numerous letters, addressed to kings and princes, to bishops, abbots, and the entire clergy; to the people themselves, whether gray-haired or newly converted to the faith, all of whom he urged to give their assent or concurrence to that "great servant of God, destined for the illumination of the nations by this apostolic and Catholic Church of God." Furthermore, Gregory III, the successor in the pontificate, confirmed the familiarity and communion of friendship between Boniface and the Apostolic See, when Boniface was elected and sent messengers; who indeed "manifested the prior bonds of friendship, which had been mercifully bestowed by his predecessor, the holy Boniface, upon



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him and his family," and also "his devotedness in the future."

[*Latin ed. p. 215*]

215 The acts of Pope Benedict XV relate that [certain individuals] declared their submission to the Holy See, and finally, that, having been instructed, they prayed that they might communicate with the Holy Father and with the entire [Apostolic] See, and that they might, devotedly subject to it, share in its communion. 1 The Pope received these messengers most graciously, and, bestowing new honors upon Boniface, he commendably sent him back to his homeland, granting him the archiepiscopal pallium, along with various privileges and the relics of the saints. It is scarcely possible to express how much they thanked [the Pope], so greatly were they strengthened by the devotion to the Apostolic See, and by the divine mercy that inspired it. 2 He, that apostolic man, received strength to undertake the greatest and most difficult tasks: to rebuild temples, hostels, monasteries, and castles; to traverse new regions proclaiming the Gospel; to establish or reform dioceses surrounded by new territories; and in them to eradicate vices, schisms, and errors, and to sow everywhere the seeds of genuine faith and Christian life, along with sound doctrines and virtues; and also, having many students and alumni, and having received many from England, to instruct and benefit the populace, and to bring barbarous peoples, often lacking in humanity, to a human and civil way of life. However, amidst so many undertakings, so many excellent and holy deeds accomplished, he was nonetheless afflicted by constant attacks, adversities, and anxieties, and, having already endured a long period of labor with old age, he did not tolerate idleness, nor did he grant it any place, but he always looked to the help and example of the Pope. Therefore, "for the third time," because of his familial communion with the Holy Apostle and with the entire clergy, accompanied by a group of disciples, he came to Rome "to enjoy a salutary conversation with the Apostolic Father, and to offer prayers with the saints, already advanced in age." 3 Moreover, for the third time, he was graciously sent by the Lord.

1 Vita S. Bonifacii, c. VIII, 25.

2 Ibid., c. VIII, 25 sq.

3 Ibid., c. IX, 27 sq.

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis - Commentarium, the official document received by me, and again "with honors and the relics of the Saints," enriched with the most excellent commendatory letters, as appears to us from the very examples presented. Both Gregory, during the Roman pontificate, and the more zealous Apostle to the Germans, Zachary, succeeded him, who not only renewed but wonderfully increased the bond, perhaps even more confidently using the good offices of Boniface; and in turn, Boniface sent



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numerous messages and the most familiar letters back and forth to Zachary. These, and many others which it is long to recount, are spoken of by the Roman Pontiff in the sweetest words: "Know, most beloved brother, your sanctity, so that we may have you in our hearts, so that we might daily desire to see you in person, and so that we may have you in our fellowship as surely a minister of God and a dispenser of the affairs of the Church of Christ." 1 Therefore, justly and deservedly, the Apostle of Germany, writing to Pope Stephen, the successor of Zachary, earnestly urges in his prayers, "that he may obtain and have, through your most merciful clemency, the familiarity and unity of the Apostolic See." 2 *Moved by this firm faith, inflamed by this piety and charity, Boniface seems to have first drawn from the shadowy arena of monastic life in his homeland, and then, preparing to progress openly in the certain path of the apostolic life, he promised, before the very body of St. Peter, the Prince of the Apostles, with a sacred oath, in Rome, the fidelity and union he had sworn, and finally, as if it were the form of his apostolate and the rule of the mission he had accepted, he brought it into the midst, manifested it, and produced it, and remained in it with the most constancy, and, as well as others... 1 2 Ep. Susceptis, among the letters of Boniface, LI (or L). Ep. LXVIII.

[*Latin ed. p. 217*]

217 The Acts of Pope Benedict XV commend vehemently to all those whom the Gospel had begotten, never ceasing, and with such diligence did he impress this upon them, that it seemed as though he had left it as a testament. Thus, the old man, worn out by labors, although he humbly proclaimed himself: "the last and least of all the laborers whom the Catholic and Apostolic Church of Rome had destined to preach the Gospel," 1 nevertheless held that Roman mission in the highest regard, and gloried in it before the Lord, and he was pleased to call himself "the legate of the holy Catholic and Apostolic Church of Rome," professing himself a devoted servant of the Roman Pontiffs, subject to the authority of Saint Peter, and a disciple and obedient follower. So deeply was this ingrained in his mind, and so much did it trouble him, that Cyprian the Martyr, an ancient witness to the tradition of the Church, affirmed most firmly: "God is one, and Christ is one, and one Church, and one chair, founded upon the rock of Peter by the voice of the Lord." 2 Moreover, Ambrose, that great Doctor of the Church, proclaimed: "Where Peter is, there is the Church; where the Church is, there is no death, but "eternal life." 3 And finally, Jerome, most wisely taught: "The salvation of the Church depends upon the dignity of the Supreme Priest, to whom, if some power is not given, and granted by all, "schisms will be created in the churches as many as there are priests." 4 And how sad is it that the history of ancient discord testifies to this, and that the experience of all those who have sprung from that source confirms it; but to recall it, when so many other bloody and cruel massacres oppress



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us, is of no benefit, but rather causes common tears, and, if it were possible, eternal oblivion. Therefore, it is better to recall the memory of the old unity and to celebrate the necessity of the connection which exists between the prince.

1 Ep. LXVII (al. XXII).

**2 CAECILII CYPRIANI Ep. XLIII, 5.**

3 Enarr. in Ps. XL, n. 30. Contra Lucif., 9.

4

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis - Commentarium Officiale. The Apostle of the Germans, Boniface, and the entire nation of Germany have interceded for the Holy See; and through his ministry, the religion and prosperity of these people, both spiritual and civil, have flourished. Concerning which, much more could be said, as you well know, most beloved Sons and venerable Brothers, for a useful and memorable record. But we have already stated enough, and perhaps even too much, since the matter is one that does not require a lengthy discourse with many arguments. And if we have recounted these things more fully than necessity demanded, it is so that, by recalling the past with you, you might perceive some solace in bearing the present with a more even spirit, and raise your hopes for the restoration of unity and the union of the Church in peace and in the bonds of charity. For it is pleasing and most pleasing to behold the example of the virtues of your deceased Boniface, and especially that bond of friendship and communion which we have embraced in these letters, represented to us and admired in his life and actions. Truly, your Germany's Apostle lives among you, and lives gloriously; he lives, as he himself called himself, "Legatus Germanicus catholicae Romanae Ecclesiae," still upholding his Roman legation, as it were, through prayers, examples, and the memory of past events, by which he truly "speaks even after death." But he seems to invite and urge his people, whom he once eloquently addressed, to return to the unity of the Roman Church. He invites those who are already members of the Church to adhere more closely and lovingly; he invites others, who have been separated from unity, to return piously and confidently to the bosom of the Mother Church, laying aside old hatreds, animosities, and prejudices; and he invites all the faithful, both those recently converted and those long established.

[*Latin ed. p. 219*]

Acts of Pope Benedict XV, 1, 219. Whether they have already been incorporated, let them persevere in the same faith and in the bond of wills; from which, indeed, divine charity flourishes, and also the harmony of



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human society itself. Who, however, would disregard this invitation and exhortation of the Father? Who would despise the paternal doctrine, the examples, and finally, the very voice itself of the Father? For, as the author, and your own, most candid words say, when the centennial memory of the Roman legation of Boniface among you is recalled, "if, according to the Apostle, we have honored our parents in the flesh, how much more ought we to honor the parents in spirit?" And the spiritual father is not only God, but also all those whose doctrine and examples "instruct us in the knowledge of the truth," and "exhort us to the stability of religion." Just as Abraham, through obedience of faith and his works, was called the father of all believers in Christ, so too can the holy prelate Boniface be called the father of all the inhabitants of Germany, because he brought them forth to Christ through the preaching of the word, confirmed it with examples, and finally, gave even his own life for them, which no one can surpass in charity.

We add this, beloved Son and venerable Brothers, – although we know that none of you are ignorant of this, – that this charity of Boniface is remarkable, not limited to the boundaries of Germany alone, but encompasses all peoples, even those who are inimical to each other; just as the Apostle of Germany, with greater affection, according to the order of virtues, embraced the neighboring people of the Franks, whom he also reformed with prudence; and his own people, "born of his stock and lineage," to whom, above all, "he, a native of their kind, legate and servant of the entire Church and of the Apostolic See," imparted the Catholic faith, which was also transmitted to the Saxon people through the Roman legates of St. Gregory the Great.

[*Latin ed. p. 220*]

The Acts of the Apostolic See – the official commentary – most earnestly recommended the pursuit of unity and, finally, the preservation of "unity and communion of love." 1 Since, as the words of the author, whom we praised above, state again, "charity is the origin and end of all good things," 2 therefore, beloved Sons and venerable Brothers, let us also, without end, strive for this. Therefore, we implore you with all our heart that in this disturbed human society, the Church of the Almighty God, restored to its rights, laws, worship, and memory, and indeed itself, may the Christian charity be renewed, which, curbing the fury of wars and hatreds, and putting an end to dissensions, schisms, and errors like serpents, may bind peoples together in a covenant stronger than the fleeting agreements of men, in the unity of faith, and in the most ancient custom, or rather, in the bond, with this Apostolic See, which Christ our Lord willed to be established as a kind of foundation for mutual relationships, and through the virtues, wisdom, labors of so many Saints, and finally, of the Martyrs themselves, such as your Boniface, consecrated with their blood. With this



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union of faith and will established everywhere, we seem to claim a rightful prerogative from the entire Christian people, which the Roman Church, moved by the conscience of its primacy and the authority of the Apostolic See, from the very first century of Christianity, particularly recorded Clement, Pope to the Corinthians: "You will give us joy and gladness if you fulfill those things which we have asked you to do through the Holy Spirit, and if you correct the unlawful zeal of your study, according to the exhortation which we made for peace and harmony in this letter." 3 And may Boniface the Apostle and Martyr be able to grant this to us all, and especially to the people, by their greater right, or origin, or election; and may they, and indeed the same blessed Sees, accomplish that which, as they themselves confess, they never cease to accomplish among themselves: 1 2 3 BONIF. Ep. XXXIX (al. XXXVI). ibid. S. CLEM, ROM., Ep. I ad Corinthios, LXII1.

[*Latin ed. p. 221*]

Acts of Pope Benedict XV, 221: "However many listeners or disciples this legation may grant me, I do not cease to invite them to obedience to the Apostolic See."

1. Meanwhile, anticipating the most joyous and auspicious fruits of your solemnities, we impart the Apostolic Benediction with the greatest affection, and, to augment the solemnity of Saint Boniface, we freely grant the following from the sacred treasure of the Church:

I. On any day of the coming months of June and July, except for the days of Pentecost, the Body of Christ, and the feasts of the Holy Apostles Peter and Paul, in all churches and public or semi-public oratories of Germany, where secular festivities are held, it is permitted to every priest of both orders to celebrate Mass of the Saint, and also to offer a triduum of supplications, and on the very feast day itself.

II. On the day the feast is celebrated, the local Ordinary, or by someone designated by him, may impart the Papal Benediction.

III. To all those churches in Germany where the secular feast is celebrated, and who visit on that very day, a Plenary Indulgence is granted, as often as they may be able to gain it according to the manner of Portiuncula.

Given at Rome, at Saint Peter's, on the fourteenth day of the month of May, in the fifth year of Our Pontificate.

**BENEDICT P. P. XV**

1 Ep. L. (or XLIX).

[*Latin ed. p. 222*]

Acta Apostolicae Sedis - Official Commentary



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## APOSTOLIC CONSTITUTION

## ERECTING THE NEW DIOCESE OF "LUNGRENSIS"

## BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD,

## FOR THE PERPETUAL RECORD:

Catholic faithful of the Greek rite, inhabitants of Epirus and Albania, fleeing in large numbers from Turkish domination, migrated to nearby Italy, where they were readily and generously received, and established homes in the regions of Calabria and Sicily, retaining, as was fitting, the customs and traditions of their Greek nation, especially the rites of their Church, as well as all other laws and customs, which, transmitted by their ancestors, they had observed faithfully and diligently for a long period of time.

This manner of life for the Albanian refugees was, in fact, permitted to them by pontifical authority, so that they might consider themselves to have found a homeland, apart from Heaven, on Italian soil.

At first, as is customary, all things proceeded harmoniously. However, as time passed, the charity of those who had welcomed the refugees began to cool, and frequent conflicts arose, causing the tranquility of the faithful, who professed the same dogmas of the Church, to be most grievously disturbed.

The origin of these conflicts, if we set aside causes of lesser importance, is to be found in the fact that the faithful of the Greek rite, residing in those dioceses, were subject to the ordinary jurisdiction of Latin bishops for matters of governance and discipline.

Indeed, these bishops, who either were ignorant of or did not properly know the liturgy, discipline, customs, laws, and traditions of the united Orthodox Church, sometimes enacted regulations for the governance of their Greek rite subjects, which the latter, considering these to be contrary to their rights and privileges, stubbornly refused to obey.

Furthermore, another source of trouble arose from the bitter discord between the parish priests of both rites, especially concerning the rights pertaining to each, and therefore regarding the administration of the sacraments.

Hence, ecclesiastical concord was broken, to the great scandal of the faithful and to the detriment of mutual goodwill.

In view of these and many other similar inconveniences and evils, which had already begun to plague the dioceses of both Calabria and Sicily, where the faithful of the Greek rite lived mixed with the Latins, Pope Benedict XIV,



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Our Predecessor, desiring to address the matter prudently and vigorously,

[*Latin ed. p. 223*]

Pope Benedict XV issued the Apostolic Constitution "Etsi pastoralis" on the seventh day before June of the year 1742, in which, after having warned that he desired to achieve this, so that whatever had been graciously granted by the Holy Apostolic See to the faithful of the Greek rite might be confirmed again and more carefully observed in the future, he rightly added: "Because, indeed... due to various circumstances of things and times, many and diverse decrees have been issued by the Roman Pontiffs... and by the Sacred Congregations of Cardinals of the Holy Roman Church concerning these same Greeks and Albanians and their rites, and due obedience to Latin prelates, within whose dioceses they reside, has been prescribed through apostolic constitutions, ordinances, responses, edicts, and decrees; and for this reason, questions and controversies have often arisen, and do arise, concerning these rites of the Greeks and Albanians, as well as concerning the power of their priests, and the jurisdiction and authority of Latin prelates and pastors; we, out of solicitude for our pastoral office, desiring, as far as is in us, to apply suitable remedies to these evils, and to cut off the causes of all litigations, quarrels, dissensions, contentions, questions, and controversies..." Therefore, the most wise Pope promulgated the aforementioned Constitution, which, however, because the causes of the problems had already taken root, did not have a happy outcome. For the quarrels and controversies, and especially the defections from the authority of legitimate prelates, and all the other inconveniences and evils which the aforementioned Pope Benedict XIV, moved by pastoral solicitude, had promised to remove with no small effort through the aforementioned letters, spread everywhere, and with each passing day grew worse, reaching such a point that, over nearly two centuries, with great detriment to Christian charity and with danger to the very Catholic Faith, they flourished throughout those regions inhabited by the faithful of the Greek rite. The faithful of the Greek rite in Italy were brought to such a miserable state that, until this time, no effective remedy had been applied to restore them. Indeed, from the year 1912 until now, there has not been a successor to the blessed record, John Barda, titular bishop of Croia, to whom, during his lifetime, the office of conferring the sacred orders upon Greek clerics from Calabria and the office of rector of the College of St. Adrian in the place of St. Demetrius of Corona was granted; We entrusted the Sacred Congregation for the Propagation of the Faith, which deals with the affairs of the Eastern rites, to propose to Us whatever would contribute to the good and proper administration and reform of the faithful of the Greek rite. Therefore, Our venerable Brothers, the Cardinals of the Holy Roman Church, entrusted to the aforementioned



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Sacred Congregation...

[*Latin ed. p. 224*]

224. The Acts of the Apostolic See – Official Commentary. At the plenary session held on the ninth day of November of the year one thousand nine hundred and seventeen, it was deemed advisable to propose the following: that all the Greeks of that region of Calabria, who are more numerous and are subject to Latin prelates, be removed from the ordinary jurisdiction of those same Latin bishops, and that one Greek rite diocese be established. We ordered that this proposal be submitted for further examination and deliberation to our venerable brothers, the Cardinals of the Holy Roman Church, who are assigned to the new Congregation, founded by Us, specifically for the Eastern Church. These Cardinals, in the general sessions held on the eleventh day of February last past, unanimously judged that the erection of a new Greek rite diocese in the region of Calabria could, if it pleased Us, be carried out. We, who, from the very beginning of Our pontificate, have shown the greatest affection for the Eastern Church, and who were concerned about what good could be accomplished and what should be done to better serve the needs and due honor of the entire Eastern Church and its particular churches, having considered the importance of the opportunity, we highly commended the aforementioned proposal and approved it fully, so that it would be in complete accord with Our intentions. Therefore, by the fullness of Our Apostolic authority, We hereby decree the canonical establishment of a Greek rite diocese in the region of Calabria. To this diocese, which shall be called Lungro, We permanently attribute and assign the following parishes, together with all the faithful, whether of the Greek rite or, if there are any, of the Latin rite, who reside in them; therefore, We separate and detach these parishes from the Latin dioceses to which they currently belong. These parishes are: from the archdiocese of Rossano, namely: S. Demetrio Corone, S. Giorgio Albanese, Vaccarizzo, Macchia; from the diocese of Bisignano, namely: S. Benedetto diano, S. Sofia d'Epiro; from the diocese of Cassano all'Jonio, namely: Acqua Formosa, Civita, Firmo, Frascineto, Lungro, Piataci, Porcile, S. Basile; from the diocese of Angiò, namely: Castroregio, Farneta, S. Costantino Albanese, S. Paolo Albanese. Furthermore, so that not a few faithful of the Greek rite, who reside outside of Calabria, but nevertheless inhabit that southern region of Italy, may in the future also enjoy the benefit of the pastoral office of a bishop of the same rite, We order that the faithful of the locality commonly called Villa Badessa, from the diocese of Penne, and one parish in the city of Lecce, be joined to the Lungro diocese by Our apostolic authority. Moreover, since in the place of S. Cosmo, in the archdiocese of Rossano, there are two parishes, namely a Greek and a Latin parish, and also in the aforementioned city of Lecce there is a population of faithful of



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the Greek rite mixed with another of the Latin rite,

[*Latin ed. p. 225*]

225 The acts of Pope Benedict XV, in Latin, decree that within that territory, the jurisdiction of the Greek Rite Bishop shall be "personal," that is to say, that it shall extend only to the faithful and the parish priest of the Greek Rite within those places, while the faithful of the Latin Rite remain under the ordinary jurisdiction of the Archbishop of Rossano and the Bishop of Lecce. Furthermore, we erect and establish, in perpetuity, the episcopal see of this Greek Rite diocese in the place commonly known as Lungro; and we elevate and ennoble the church of Saint Nicholas of Myra, which was previously a parish church and is said to be well-decorated and conveniently located, to the dignity and rank of a cathedral, permanently. Moreover, as was established in times past, we appoint the elected prelate for the governance of the Lungro diocese as our Ordinary Bishop of the Greek Rite in Calabria, and we entrust to him this office and duty, along with the necessary and appropriate faculties. Therefore, to all those to whom it pertains, and who will be able to, we command that they receive and admit this aforementioned prelate of Lungro into this office and duty, according to custom and according to the agreements made, and that they obey him, support him, and assist him. Since this small diocese cannot have its own seminary for the proper instruction and education of young clerics, we decree that, for those young men who show signs of an ecclesiastical vocation, five places be reserved permanently, both in the new Pontifical Seminary recently founded by Us near the Monastery of Saint Basil the Greek Rite in Cryptaferrata, and in the Athanasian College in the City. We also decree that this newly erected diocese shall remain immediately subject to the Holy See, and therefore to the Sacred Congregation for the Eastern Churches. And that which We have decreed by these Apostolic Letters, no human being, at any time, may infringe, or reject, or in any way contradict. If anyone, may God prevent it, should presume to attempt this, let him know that he will incur the penalties prescribed by the sacred canons against those who obstruct "the exercise of ecclesiastical jurisdiction." To carry out these mandates, We depute Our venerable brother, Horace Mazzella, Archbishop of Taranto, along with all the necessary and appropriate faculties for the purpose in question, with the power also to delegate anyone endowed with ecclesiastical dignity, entrusted with the task of arranging all matters pertaining to the proper administration of the new diocese, after having consulted with the newly elected Greek Bishop and the Most Reverend Latin Ordinaries, namely Rossano, Bisignano, Cassano all'Jonio, Penne, Lecce, and Pandosia, but with the condition that, within six months from the date of the promulgation of these Letters, the



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norms established by him be submitted to the Sacred Congregation.

[*Latin ed. p. 226*]

Acts of the Apostolic See – The official commentary for the Eastern Church shall be submitted for its definitive approval, and a certified copy of its execution shall be diligently transmitted. Given in Rome, at St. Peter's, in the year of Our Lord nineteen hundred and nineteenth, on the thirteenth day of the month of February, in the fifth year of Our Pontificate.

**O. CARD. CAGIANO**

**N. CARD. MARINI**

S. B. E.

Chancellor.

Secretariat of the Congregation for the Eastern Church.

Raphaël Ludo vicus, Apostolic Prothonotary.

Schuller, Apostolic Prothonotary.

Plumbi.

Beg. in Cane. Ap., vol. XVIII, n. 27.

## APOSTOLIC LETTERS

TO THE CHURCH OF ROUEN, DEDICATED TO THE BLESSED VIRGIN MARY, MOTHER OF GOOD HELP, AND GRANTED PRIVILEGES AS A BASILICA MINOR.

**BENEDICT XV**

For the perpetual memory of the matter.

— Among the sacred buildings that stand out in the regions of France, both for their artistic beauty and for the fervent religious devotion and remarkable generosity of the French people, the parish church dedicated to the Blessed Virgin Mary, Mother of Good Help, located in Rouen, deserves to be mentioned.

From the eleventh century, an ancient image of the Mother of God, holding the Infant Jesus in her arms, was venerated in a chapel dedicated to her. Tradition holds that, even before that century, the Normans were devoted to the Blessed Virgin, Mother of Good Help, and venerated her in that very place.

This chapel, damaged in the fourteenth century by the incursions of the soldiers of Charles the Bold, was restored after receiving assistance, and in the following century, it was converted into a temple, which was later



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destroyed by the heretical Calvinists.

After the immense upheaval that afflicted all of France, that Marian temple, weakened by age, was completely destroyed; however, in the preceding century, it was rebuilt from its very foundations, and it now stands as a worthy monument to the piety of the French people, and especially of the citizens of Normandy, towards the Blessed Virgin, our help.

This sacred building, erected in the Gothic style, attracts the admiration of those who behold it, for its lofty tower...

[*Latin ed. p. 227*]

The acts of Pope Benedict XV rise to the heavens in the most beautiful manner. Within, moreover, it excels not only in size, but also in the marvelous splendor of all arts, for the walls of the sacred edifice are everywhere adorned with paintings and mosaic work, and sublime columns are decorated with emblems of those nations who, inflamed with ancestral piety towards the Blessed Virgin, the Good Mother, spared no expense, but generously and abundantly contributed to the construction of the temple. This temple, which truly deserves to be called a Marian sanctuary, and which is part of the most famous Basilica of Loreto, is richly furnished with sacred furnishings, and there is a sufficient clergy, together with the parish priest devoted to the cult of the Blessed Virgin, who diligently perform the sacred duties. But above all, it must be said that it is worthy of praise for the devotion and frequency with which, from the most ancient times, crowds of the faithful, not only from the surrounding areas, but also from all regions of France, come to this sanctuary of Our Lady of Good Help in Rouen, at any time of the year, and especially, according to the oldest custom, on the second day after Easter and the second day after Pentecost, to venerate the most beautiful image of the Virgin Mary, and to frequently implore her help. Innumerable votive tablets, hung everywhere on the walls of the temple and on the choir stalls, and precious donations, clearly testify that the Virgin Mother of God, the intercessor for all graces with God, is accustomed to bestow a wealth of benefits and graces from that sanctuary, as if from the throne of her majesty. Therefore, on the eve of June in the year one thousand eight hundred and eighty-eight, the Most Eminent and Reverend Lord, Cardinal of Bonnechose, Archbishop of Rouen, in the name of our predecessor, Pope Leo XIII, solemnly placed a most precious crown, made of gold and jewels, upon the same image of the Virgin and the Infant Jesus, in the presence of a large gathering of clergy and people, to their great joy. Moved by all these and other memories, when our beloved son, Louis, Cardinal Dubois, the present Archbishop of Rouen, humbly requested that we deign to grant the dignity, title, and privileges of a Minor Basilica to this Marian sanctuary of Good Help, in order to enhance its splendor, we were most willing to grant his request. Wherefore, after consulting with the Most Reverend and Venerable Cardinals of the Congregation for the



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Protection of Sacred Rites, by our Apostolic authority, we hereby, in perpetuity, declare that the parish church of Rouen, dedicated to the Blessed Virgin Mary of Good Help, is endowed with the dignity and title of a Minor Basilica, and with all its honors and privileges.

[*Latin ed. p. 228*]

228 From the Apostolic See - An Official Commentary pertaining to those things which, by right, belong to the esteemed Basilicas of the City of Brussels. We decree that these present Letters shall always be firm, valid, and efficacious, and shall perpetually produce and obtain their full effects, and that they shall fully benefit those to whom they pertain, now and in the future; and that it shall be rightly judged and defined, and that whatever is contrary to this, by anyone, knowingly or unknowingly, shall be declared null and void, now and forever. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-eighth day of March, in the year 1919, in the fifth year of Our Pontificate. P. GARD. GASPARRI, from the Secretariat of State.

TWO VICARIATES ARE FORMED FROM THE APOSTOLIC VICARIATE OF THE CONGO BELGIAN, WHICH HAS BEEN DIVIDED: ONE WITH THE TITLE "LEOPOLDOPOLITAN," THE OTHER "NOVAE ANTUERPIAS."

**BENEDICT XV**

For the perpetual memory of this matter.

— May these things, for the sake of the Catholic name and the eternal salvation of the faithful, proceed well, prosperously, and happily, as the supreme office of the Apostles reminds Us, which We exercise on earth, although undeservedly.

Indeed, since the Catholic Religion in the Apostolic Vicariate of the Congo Belgian, entrusted to the care of the Congregation of the Immaculate Heart of Mary, has experienced joyful growth, especially in recent years, it has seemed opportune to devise a plan, so that better provision might be made for the progress of the Christian faith, by separating a northern region from the territory of that same Vicariate, and establishing a new, separate Mission there. Therefore, after consulting with the Most Reverend and Venerable Cardinals, Prefects of the Congregation for the Propagation of the Faith, and after Our certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by the tenor of these presents, We separate a part of the territory of the current Apostolic Vicariate of the Congo Belgian, which is situated to the north of the civil district called Leopoldville Lake, and We establish a new Apostolic Vicariate within that thus separated territory, entrusting it to the care of the aforementioned Congregation of the Immaculate Heart of Mary of Scheut; and We give



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the name "Novae Antuerpiae" to this new Vicariate, from the city where it will have its seat.

Furthermore, We order that the Apostolic Vicariate of the Congo Belgian, with the remaining part which remains to it after this division, shall henceforth be called the Leopoldopolitan Vicariate, from the city of Léopoldville, where the Vicariate itself has its residence.

These.

[*Latin ed. p. 229*]

The Acts of Pope Benedict XV, 229, state that We decree these present Letters to be firm, valid, and efficacious, and to always exist and remain, and to produce and obtain their full and complete effects, and to be of benefit now and in the future to those to whom they pertain, or may pertain; and that it should be rightly judged and defined, and that whatever is done to the contrary, by anyone, knowingly or unknowingly, concerning these matters, shall be declared void and of no effect. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the day in April, in the year 1919, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

THE METROPOLITAN CHURCH OF SAINT JAMES THE GREATER IN THE CITY OF MARIANOPOLI IS ENRICHED WITH THE TITLE AND PRIVILEGES OF A BASILICA MINOR.

**BENEDICT XV, POPE.**

For the perpetual memory of this matter.

— We have been accustomed to honor those churches of the Catholic world, whether distinguished by their size, the splendor of their artistic decorations, or the relics of saints and the piety of the faithful, with special titles and privileges, following the footsteps of Our Predecessors.

It is indeed fitting that the Metropolitan Church of the Archdiocese of Marianopoli be highly esteemed among such sacred edifices. This church, dedicated to the Apostle James the Greater, clearly demonstrates and brings forth the faith and generosity of the Catholics of Canada. For a large sum was collected within the Archdiocese, and with it, the church was begun to be erected from its foundations, and is constructed entirely of Libyan stone, with added porticoes; the interior part resembles and imitates the Basilica of the Vatican, although on a smaller scale, and does not lack works and artistic embellishments; and a very large dome, adorned with mosaics, rises above the main hall. Moreover, a considerable number of relics of saints are kept there; and the sacred furnishings are also abundant, precious, and suitable for the performance of divine services, by which the Order of Canons and the rest of the clergy diligently perform their duties, with great honor to the House of God, and with excellent



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benefit to souls.

It is pleasing to recall that, in the same Church of Saint James, in the year 1910, countless Catholics from all nations gathered together to promote the worship of the Most Holy Eucharist, to which the Cardinal Father presided as the legate of the Apostolic See, surrounded by a host of one hundred and twenty bishops.

[*Latin ed. p. 230*]

230 Acta Apostolicae Sedis - Moved by the venerable brother Paulus Bruchési, Archbishop of Marianopolitanus, who, in his own name, and that of the Order of Canons, the clergy, and the entire people entrusted to him, petitioned Us, We have decided to bestow a special honor upon the Metropolitan Church. We deem it fitting to grant this request with all the greater willingness, because, if we enhance the splendor of that church, we shall seem to be doing something worthy of piety towards St. James the Greater, whose Apostolic name was bestowed upon Us at the sacred font of baptism. Therefore, after having heard the Most Reverend and Most Reverend Lords Cardinals, Prefects of the Congregation of Holy Rites, by Our Apostolic Authority, through these Letters, We elevate the Metropolitan Church of Marianopolitanus to the dignity of a Minor Basilica, in the name of St. James the Apostle, and We grant it all the privileges that rightfully belong to the Minor Basilicas of this City. We declare that these Our Letters shall always remain firm, valid, and efficacious, and shall fully and completely obtain and have their intended effects, and that they shall, in the fullest measure, support those to whom they pertain, or may pertain in the future; and that it shall be rightly judged and determined, and that anything attempted by anyone, with any authority, knowingly or unknowingly, concerning these matters, shall be considered void and of no effect. Notwithstanding any contrary provisions. Given at Rome, near the Holy Peter, under the Fisherman's Ring, on the thirtieth day of April, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

LETTER TO THE MOST REVEREND ARCHBISHOP OF LIMAN and other BISHOPS in the Peruvian Region, concerning the preservation and strengthening of the Faith in their Dioceses.

Venerable Brothers, greetings and the Apostolic Blessing.

Among the excellent qualities of the Peruvian people, it is most worthy of commendation that they preserve the Catholic religion with sanctity and integrity throughout all time. As soon as Spanish men sailed to the lands of Peru, a numerous company of priests, from various religious Orders, especially the Dominican Order, under the banner of the Savior and encouraged and earnestly praying for by the Roman Pontiff, arrived at these shores. For a long time, through constant care and arduous labors, the faith has been preserved and increased among the Catholics, and the Catholic doctrines



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have been happily spread among the indigenous peoples.

[*Latin ed. p. 231*]

From the acts of Pope Benedict XV, page 231: It is clear that God Himself wished to reward with a singular grace the constancy shown in maintaining the purity of the true faith, which is why Peru, among all the regions of America, has flourished in holiness, praise, and splendor, and because many of its children are venerated by the Church, their blessedness having been increased with heavenly honors. Among these, Rosa, the patroness of your nation, stands out, as does Turibius, the bishop of Lima, whose fervent zeal and fruitful activity have begun to bring about a remarkable increase in the Catholic faith and the Catholic way of life among you. But as we read in the Gospel, foretold by our Lord Jesus Christ, this often and everywhere happens: namely, that God sows good seed in His field, but the enemy comes and sows tares among the wheat. And, venerable brothers, we see that this is also happening among you, which causes us great sorrow. We know that non-Catholics have spread throughout the lands of Peru, and there they have endeavored, with all diligence and with every aid, and not without success, to implant their errors in the minds of Catholics and to draw them away from the Catholic Church. Indeed, they pursue this in schools, in public instruction, through the dissemination of newspapers and books, in gatherings of men, and especially of young people, and above all, through the distribution of money to the poor; with such arguments, they seek to corrupt not just individuals, but also families and entire communities, so that they may more easily and widely spread the poison of their errors. This grave danger to the souls of Catholics is something that we must grieve and lament, venerable brothers. However, it must also be noted that, as is noted in the Gospel, this sometimes happens or may happen: for the enemy sows tares while the people are asleep. We leave the judgment of this to you, each of you clergy, since you know the conditions of your people; that is, whether the damage that the faith has suffered among you through the arts of the heterodox can be attributed to the negligence and indolence of the priests. The lips of priests certainly ought to safeguard knowledge, and not just for themselves, but so that they may teach the people of God the truth. Wherefore, when the light of truth is extinguished or obscured, it is a sign that the priests either lack the due knowledge, or that, forgetful of their duty, they neglect to communicate it to the faithful. Therefore, we turn our exhortations to you, venerable brothers, moved by our charity for your Peru. It is your duty, above all, to see and to watch that no harm is done to the flock entrusted to you. In this, you have the example of the good shepherd, Christ Jesus, who laid down His life for His sheep. If you desire a closer example of human weakness,



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you have your own blessed Turibius.

[*Latin ed. p. 232*]

The Acts of the Apostolic See have provided most excellent examples of pastoral vigilance and zeal. He endured countless contradictions, both from those outside [the Church] for the sake of the faith, and from those within [the Church] for the sake of the Church's liberty, with the greatest patience, eagerly desiring martyrdom. And in order that the faith might firmly adhere in the hearts of the faithful and not easily waver, he preached every Sunday, either in the church or in a humble home, even in small towns and under the open sky, instructing the people in the catechism. Following the example of this most holy Patron, you, most reverend Fathers, should diligently and forcefully urge your priests to faithfully perform their individual duties, so that they may assist you in every way, either by faithfully and diligently imparting the sacred catechesis as prescribed by the new Code, or by most effectively promoting the work of the Preservation of the Faith, or by establishing and fostering pious associations called "Christian Doctrine," and by employing all other means that have been usefully devised for defending and strengthening the faith. Be vigilant, most reverend brothers, and see that your priests are vigilant; for indeed, everyone will render an account for his own duty and rank concerning the souls entrusted to him. But we are refreshed by hope, because we know your zeal and your most favorable will to receive and carry out our exhortations; and may the clergy, incited by your words and example, spare no effort, no labor, so that the chief glory of Peru, namely, the profession of the Catholic faith, may suffer no further detriment. In this endeavor, we have no doubt that regular priests will readily offer you their assistance, emulating the zeal and the praises of their predecessors. Because the best education of the sacred clergy is of the greatest importance, we do not wish to remain silent about the seminaries; from them, indeed, a large harvest of workers is to be expected, whom you can send into the Lord's field, and who, forgetting themselves, will devote themselves entirely to the defense of souls and of the faith. Therefore, we earnestly request that you diligently attend to the matters that we wished to communicate to you through our messenger concerning the erection of seminaries and their proper administration, and that you carry them out with the greatest alacrity and with all difficulties removed.

May all these things occur as desired, and therefore, most reverend brothers, to you and to your clergy and people, we impart the apostolic blessing, a testament of our paternal benevolence and an auspicious sign of divine graces, with all our love.

Given at Rome, at Saint Peter's, on the Kalends of January, in the year 1936.



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## BENEDICT XV.

1 2 In the Lesson of the Breviary, on the feast of Saint Turibius, April 27th.

Ibid.

[*Latin ed. p. 233*]

Sacred Congregation of the Consistory. ACTS OF THE HOLY CONGREGATIONS. SACRED CONGREGATION OF THE CONSISTORY I. DECREE CONCERNING THE APPOINTMENT OF ADMINISTRATORS IN DIOCESES VACANT IN THE DOMINION OF CANADA AND THE LAND OF NOVA. In accordance with what the Apostolic See has established for the dioceses of the United States of America by decree of February 22, 1919, Our Most Holy Lord Benedict XV, after due deliberation, judged and decreed that, likewise in the dioceses of the Dominion of Canada and the Land of NOVA, whenever they become vacant, the same rule should apply to the administration thereof. Therefore, when, due to the death of the Archbishop and Bishops, the right to nominate a diocesan Administrator is removed, in all the aforementioned dioceses, unless special circumstances prevent the observance of canon 427, if at least five or six diocesan Consultors are not present; the Archbishop or Bishop senior of the ecclesiastical province may, with the approval of the Apostolic Delegate, provide for the nomination of an Administrator during the vacancy of the see. This shall be for a period of three years, provided that in the meantime the group of Consultors has not been increased to the number indicated above. Given at Rome, from the Secretariat of the Sacred Congregation of the Consistory, on May 8, 1919.

C. CARD. DE LAI, Bishop of Sabina, Secretary.

L. V. SARDI, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 234*]

234 Acta Apostolicae Sedis - Official Commentary II

## ON THE ERECTION OF THE APOSTOLIC VICARIATE OF CHACO

With excellent deliberation, Rodulphus Caroli, Archbishop of Tyre, Apostolic Delegate in the Republic of Bolivia, with the consent of the Archbishop of La Plata and the Bishop of the Holy Cross, considered and proposed to the Holy See that an Apostolic Vicariate be established within the vast territory of the same Bolivian jurisdiction, called Chaco, in order to assist in the spiritual needs of the inhabitants of that place. Therefore, Our Most Holy Lord Benedict XV, with the advice of this Holy Consistorial Congregation, and with the understanding that those present, or those who may be absent but are considered, consent, ordered the present Consistorial Decree to be issued, by which the territory of Chaco, located



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within the boundaries of the archdiocese of La Plata and the diocese of the Holy Cross of Sierra, is hereby erected into the Apostolic Vicariate of Chaco, and declared to be erected, until it can be constituted as a proper and distinct diocese.

The boundaries of this Vicariate shall be as follows:

To the north, the right bank of the Great River, commonly called Bio Grande, beginning from the point where this river intersects the high mountains of Incahuasi, in the province of Cordillera, up to the point where the same river reaches the interprovincial line with Chiquitos, then this same line up to the boundaries of the Republic of Bolivia; to the east, the same boundaries with the Republics of Brazil and Paraguay; to the south, the same boundaries with Paraguay and Strasbourg, following the course of the Pilcomayo River up to the point called Casa de Piedra, and located on the right bank of this river; to the west, an imaginary line, which begins on the left bank of the Pilcomayo River, opposite the place called Casa de Piedra, and ends at the Parapeti River, at the place called Oquendagüe, with the exception of the territory of the Canton of Huacareta, then following the high mountains of Incahuasi, which separate the provinces of Chuquisaca and the Holy Cross, up to the point where the Great River intersects these same mountains, and the northern boundaries of the Vicariate are reached.

This Vicariate shall include the following towns:

In the province of Cordillera: Lagunillas, Gutiérrez, Limon, Caraguatarenda, Guariri, Saipurú, Masuvi, Tacurú, Àimiri, Obbi, Taputá, Piriti, Charagua, San Antonio, San Francisco, ízozo, Itatique, Iboperenda, Boyuibi, Cuevo, Laguna Colorada, Salinas, Choreti, Ipati, and others.

[*Latin ed. p. 235*]

The Most Holy Congregation Consistorial, of lesser importance, decrees: In the province of Azero: Gamatindi, Garandaiti, the missions of Tigüipa, Machareti, Ivo, Santa Rosa, and Boicavo, and the towns of Huacaya, Numbra, Ibopeiti, Loma, Chibé, Mandiyuti, Iguembe, Ingre, Nancaroinza, and Sipotindi. In the province of Gran Chaco: Villa Montes (San Francisco), the five existing military forts, and the mission of Tarairi. Furthermore, the Most Blessed Father desired that the Apostolic Vicariate of Chaco remain subject and subordinate to the metropolitan jurisdiction of the Archbishop of La Plata, and that it remain under the dependence and jurisdiction of the Most Holy Congregation for the Propagation of the Faith, in contradiction to anything to the contrary. Given in Rome, from the offices of the Most Holy Congregation Consistorial, on the 1st of May, 1919. Signed: CARD. DBLAI, Bishop of Sabina, Secretary. L. F. S. V. Sardi, Archbishop of Caesarea, Assessor.

III. PROVISION FOR THE CHURCH. By decree of the Most Holy Con-



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gregation Consistorial, the Most Holy Pope Benedict XV provides for the Church, as follows: On May 7, 1919, the Reverend Father Francis Vidal y Barraquer, formerly the titular Bishop of Pentacomia, was appointed Prefect of the Metropolitan Church of Tarragona.

IV. NOMINATIONS. The following were nominated by decrees of the Most Holy Congregation Consistorial: On February 1, 1919, the Reverend Father Cletus Cassani, Archbishop of Turrita, was appointed Apostolic Administrator of the diocese of Ozieri. On March 11, the Reverend Father Nicholas Piccirilli, Archbishop of Nensis, was appointed Apostolic Administrator of the diocese of Vasta. On March 31, the Reverend Father John Scotti, Archbishop of Rossana, was appointed Apostolic Administrator of the diocese of Cariati.

[*Latin ed. p. 236*]

236 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO CONCILII LISBONENSI ET ALIARUM IN LUSITANIA PROVISIONIS PAROECIARUM

13 aprilis (Per 1918 summaria precum)

- Sub antiquo in Lusitania regimine, paroeciae vacantes, quae non habebant proprium pastorem, erant provisae secundum normam regii decreti diei 2 Ianuarii 1862, cuius vi praescribebatur forma concursus, sive per documenta, sive per publicum examen, sed ita ut maiores partes in his peragendis tribuerentur potesti civili quam ecclesiasticae; quin immo, idonei non erant recusati nisi a Patrono Regio. Quando vero, sive concursus haberi non poterat propter exiguitatem redituum, sive desertus aut frustratus evehatur, tum Episcopi curatos, vulgo "encomendados," ad nutum suum, amovibiles, praeficiebant paroeciis.

Everso autem antiquo regimine, post violenter abruptas relationes inter novum Gubernum et Ecclesiam, Apostolica Sedes die 13 Iulii 1911, inter alia, decrevit: «provisionem ecclesiasticorum beneficiorum in Lusitania recedere sub iuris communis sanctiones».

Quum itaque in relatione de statu dioecesis ab Episcopo Portugalliense anno 1916 transmissa, legeretur ad num. 64: «Olim provisio paroeciarum fiebat per concursum, nunc, post separationis regimen, ad nutum Episcopi», et ad num. 65: «Adsunt paroeciarum rectores ad nutum amovibiles», et quum profecto provisio paroeciarum omnium per nominationem rectorum ad nutum Episcopi amovibilium, non repraesentaret ius commune in quod debuit recedere beneficiorum, paroecialium praesertim, in Lusitania collatio, visum est hac de re opportunas notitias a Patriarcha Lisbonensi sciscitare.

Rescripsit Emus Vir illam praxim non in sola dioecesi Portugalliense obtinere, sed in omnibus dioecesibus Lusitaniae invaluisse, attento quod, sub auctoritatis politicae persecutione, fere omnes paroeciae in eam redac-



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tae essent conditionem in qua concursus utiliter haberi non poterat; postulabat igitur ut Apostolica Sedes Lusitanos Episcopos per aliquid saltem tempus perseverare in inuita praxi sineret, nec concursus iungeret nisi pro paucis paroeciis praecipuis.

Subinde vero idem Emus Patriarcha, postquam de re egerat in conventu cum aliis...

[*Latin ed. p. 237*]

To the Bishops of Lusitania, the Holy Congregation of the Council submits for approval and revision by the Holy See, a draft of statutes by which parochial appointments in the future should be made. It again requests that the obligation to provide parishes through appointments not be imposed until after a certain period of time, and, considering the diverse and unstable circumstances in which individual parishes find themselves, that the Bishops be granted ample authority in particular cases to indicate or not to indicate the need for appointments. After the entire matter was presented to the Holy Congregation, before the aforementioned draft, which contains regulations concerning appointments, was submitted for revision, it was deemed necessary to subject the question of whether or not appointments should be held in Lusitania to the decision of the Most Holy Fathers.

OBSERVATIONS.

Indeed, although the decision of the Apostolic See concerning the provision of benefices in Lusitania, in conformity with the common law, was issued in 1911, as is evident from what has been said, it has not yet been carried out. Therefore, since it must now be religiously observed, the question arises as to which common law should now be considered: whether that which was in force from 1911 until the promulgation of the Code of Canon Law, or the law contained in the Code. For, on the one hand, that decision, having been issued in 1911, could certainly not have concerned anything other than the common law in force at that time; on the other hand, since that decision must now be carried out, after the publication of the Code, it seems appropriate to interpret it in accordance with the latter; indeed, when, for the first time, a new canonical discipline concerning some ecclesiastical institution is to be established in a certain region, it is necessary, for the most part, that the regulation be made in accordance with the Code currently in force; for it was published for the purpose that every head of ecclesiastical discipline should be ordered in the future according to it. Since these things are so, it seems clear in this case that the obligation of appointments for the provision of parishes should not be imposed at all; for the Code no longer prescribes, nor does it require, appointments; but it only prescribes that the form of appointments should be retained, and that, until the Apostolic See decrees otherwise, in those places where it is in use (can. 459, § 4), which seems to be the same as permitting what is good in expectation of something better, to which we are striving. Furthermore, as



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has been explained, although the form of appointments existed in Lusitania before the separation, now, when the discipline of providing parishes is being established, it is no longer in use. Therefore, it does not follow that the Bishops should continue and ought to persevere in the unusual practice of providing parishes with rectors who can be removed at will, and who are appointed without any prior examination, with ministerial faculties renewed annually, so that...

[*Latin ed. p. 238*]

238 Acta Apostolicae Sedis - Official Commentary: No parish priest now has security in remaining in his parish; indeed, the disposition of the Code, canon 454 and canon 459 § 1-3, which represents the common law, now in force, is quite different. Furthermore, even setting aside the question of whether the common law now in force is perhaps that which was in effect from the year 1911, when the aforementioned Apostolic decision was issued, it appears that, according to the intention of the Code, Lusitania is included among those regions in which the provision of parishes is made through competition: that is to say, at least virtually, if not in fact and effect. Indeed, if the method observed from the time of the separation until the present has been an abnormal and irregular method, which can only be attributed to the disturbed state of the Church in Lusitania; during which disturbance, the Bishops have not followed any determined law in this matter, but in practice have claimed for themselves a certain freedom to act, even contrary to the law, because otherwise they did not believe they could adequately provide for the needs of the faithful and the care of souls. But, the disturbed state, especially if induced by violence, although persisting for a time, cannot be said to have completely changed the preceding legal status, which, in fact, is considered to have persevered virtually, insofar as, of course, it would have persevered in fact and effect, once the disturbance and violence were removed. Since, therefore, the discipline of competition in the provision of parishes was in force in Lusitania before the separation, it appears that this same discipline has, at least virtually, persevered until the present time, and therefore, according to the intention of the Code, canon 459, § 4, it should be maintained, until the Apostolic See decrees otherwise. Nor does this imply a return to the special form, prescribed by the royal decree of January 2, 1866, which, on the contrary, completely abolished the aforementioned decision, the execution of which is now at stake. The distinction is obvious between the discipline of competition according to the norm of common law, or Tridentine law, and the special forms of competition to be carried out in individual regions, introduced by this authority or that. Although the special form prescribed by civil authority may have ceased to be in force, the Church, recovering its freedom in this matter, seems nevertheless to persevere in Lusitania, as, according to the aforementioned discussion, the obligation of providing parishes through



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competition, or the general discipline of competition, is now to be ordered in particular according to the norm of Tridentine law, which was further explained by Pope Benedict XIV (cf. document IV at the end of the aforementioned Code) and according to the particular conditions, times, and needs of the place.

RESOLUTION: After a thorough deliberation on the entire series of events, the Eminent Fathers, in the plenary sessions of the Congregation, on April 13, 1918, decided to write:

[*Latin ed. p. 239*]

The Holy Congregation of the Council of 239 Bishops may, in an unusual practice, continue for one year; meanwhile, they shall prepare a list, to be transmitted to the Holy See, of parishes which possess a sufficient endowment. After the lapse of one year, parishes which possess a sufficient endowment shall be assigned according to the norm of the Code of Canon Law, chapter 459, paragraph 3, numbers 1-3; however, others may be assigned at the discretion [of the Bishop]. Nevertheless, these same Bishops shall take care to ensure that these parishes are provided with a suitable endowment as soon as possible. The resolution of the Most Holy Fathers, concerning which the undersigned Secretary of this Holy Congregation has reported, was approved and confirmed by His Holiness Pope Benedict XV, in an audience on the 15th day of the same month and year. I. MORI, Secretary.

## SACRED CONGREGATION FOR RELIGIOUS.

CONCERNING CERTAIN BOOKS PERTAINING TO THE JURISDICTION OF THE HOLY SEE, WHICH ARE TO BE SUBMITTED TO THE SACRED CONGREGATION FOR REVIEW AND CORRECTION.

In a General Congregation, held in the Vatican Palace on March 29, 1919, the Most Eminent and Reverend Cardinals, presiding over the affairs of Religious Congregations, deemed it opportune to prescribe that all Institutes and Congregations of Religious of the Pontifical Right submit to this Sacred Congregation for review and correction any books whatsoever, containing customs, usages, or similar matters, by whatever name they may be called (Directory, Coutumier, etc.), which are in use among them, except for the Constitutions approved by the Holy See, and also the prayers proper to the Institute, which are customarily recited in common; the same shall be required of new Institutes to be approved.

After a report was made to His Holiness Pope Benedict XV by the Reverend Father Secretary, in an audience on the 31st day of the same month, the Holy Father approved the sentiments of the Most Eminent Fathers and, therefore, ordered that a Decree be issued accordingly.

Therefore, this Sacred Congregation, by virtue of the present Decree,



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commands that all Institutes or Congregations of Religious of the Pontifical Right, or also of Pious Societies of women living together according to the manner of Religious and approved by the Holy See, submit to the same Sacred Congregation within one year, any books whatsoever as mentioned above.

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis '- Official Commentary: The Ordinary authorities of the places where the Supreme Governing bodies of certain Institutes and Congregations of women, concerning which this present Decree speaks, are located, should take care to inform these, as soon as possible, of the imposed obligation; and they should admonish them not to prohibit the use of the aforementioned books in the respective Institutes and Congregations, unless this Sacred Congregation otherwise determines, if the circumstances require it. R. L. - £ 8 CARD. SCAPINELLI, Prefect. s. Maurus M. Serafini, Abbot, O. S. B., Secretary.

II. A DOUBT CONCERNING THE DEPENDENCE OF NUNS UPON ORDINARY BISHOPS IN FRANCE AND BELGIUM.

A doubt was proposed by several Bishops, as well as Religious Communities: "Whether monasteries of nuns, whose vows are solemn according to the Institute, but are simple according to the prescription of the Holy See, depend in France and Belgium upon the Ordinary Bishops in the same manner as before the promulgation of the Code."

The Sacred Congregation, after mature deliberation, judged that the following should be requested: "That His Holiness would deign to decide that there is nothing to be changed in the dependence of the aforementioned nuns upon the Ordinary Bishops in France and Belgium, as has been observed for more than a century since the restoration; with the caution, however, that no power is granted to the Bishops to change the ancient Rules or Constitutions of monasteries approved by the Holy See."

In an audience granted to the undersigned Secretary on May 13, 1919, His Holiness approved the resolution and, in order that it might become public law, commanded.

Given at Rome, from the Secretariat of the Sacred Congregation for Religious, on May 22, 1919.

Maurus M. Serafini, Abbot, O. S. B., Secretary.

[*Latin ed. p. 241*]

The Most Holy Congregation for the Propagation of the Faith.

DECREE: The Archbishop of Utrecht is appointed President of the Pious Union of the Clergy for Missions in Holland.

Since the Pious Union of the Clergy for Missions, approved by the authority of this Holy Congregation for the Propagation of the Faith, and



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generously endowed with numerous indulgences and spiritual privileges by His Holiness Pope Benedict XV, has begun to be established and propagated, with God's help, even in Holland, and in order to promote its growth in the dioceses of that nation, it has seemed opportune to establish a President of the same Pious Union for Holland. Therefore, Most Reverend Monsignor Henry Van de Wetering, Archbishop of Utrecht, is appointed, so that the same Society, under his guidance, may more easily attain the most noble end which it has set for itself.

Availing himself of the faculty granted to him by the Supreme Pontiff in an audience on the twentieth day of the preceding month of March, the undersigned Cardinal Prefect of this Holy Congregation, for the Propagation of the Christian Name, hereby nominates and confirms the aforementioned Archbishop of Utrecht to the office of President of the Union of the Clergy for Missions, throughout all of Holland, by means of this present Decree.

In spite of any objections to the contrary.

Given in Rome, from the offices of the Most Holy Congregation, on the eleventh day of April, in the year of Our Lord nineteen hundred and nineteen.

WILLIAM CARDINAL VAN ROSSUM, Prefect.

I, [Illegible] S. C. ACTA, vol. XI, n. 7. — 2-6-1919.

Lawrence, Secretary.

[*Latin ed. p. 242*]

Acts of the Apostolic See – Official Commentary.

## SACRED CONGREGATION FOR RITES.

DECREE CONCERNING THE BEATIFICATION OR DECLARATION OF MARTYRDOM OF MARMOITON, A LAYMAN, MEMBER OF THE SOCIETY OF MARY, KILLED FOR HATRED OF THE FAITH.

The Society of Mary, commonly known as the Marists, founded by the Venerable Servant of God, John Claude Colin, a priest, in Lyons, in France, in the year 1824, and spread to various regions of that nation and also throughout the world, rejoices in having a father, a legal founder and first general superior, and several members renowned for their holiness. Now, it directs its attention and efforts so that the cause for the beatification or declaration of martyrdom of another member, a lay brother, Blaise Marmoiton, may be introduced before the Sacred Congregation of Rites. This Servant of God was born in the village of Yssac-la-Tourette, in the diocese of Clermont, in France, on March 16, 1812, and was baptized on the same day. After a brief period of life, in the month of July of the year 1847, he was cruelly killed in New Caledonia by enemies of the Christian name. From his early years, with a pious upbringing, he displayed outstanding signs and



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indications of future holiness, and his relatives and neighbors considered and called him an angel. He excelled above his peers in his diligence in studies, his gentleness of manners, and his keenness of mind. He often assisted his infirm father in cultivating the fields, and he encouraged the farmers, instructing them with salutary advice and examples. Concerned about his own spiritual perfection, he loved solitude and retreat above all else, so that he might better hear the voice of God and deserve to recognize and fulfill His will. He showed a particular devotion to the Most Holy Sacrament and to the Blessed Virgin Mary. Not only did he devoutly visit the altar of each every day, but he also diligently read a book, carefully preserved in the family and bearing his own name, entitled: "Visites au Saint-Sacrement et à la Sainte Vierge" (Visits to the Holy Sacrament and to the Holy Virgin). When the municipal council was discussing the illumination and decoration of the house of God, it was decided that each family in the parish should...

[*Latin ed. p. 243*]

The Congregation of the Blessed Virgin Mary undertook to provide annually whatever was necessary for the lamp burning before the Most Holy Sacrament. And Blasius, who was among the Council members, not only requested, for the benefit of his family, the means to fulfill this duty, but he himself, rising earlier each morning, went to the church to replenish the light of the lamp before the Most Holy Sacrament. Furthermore, on every Sunday, he assisted at the divine services and mysteries, especially in the parish church of the place now called Pessat-Villeneuve, where he also rendered very useful service to the choir. He provided spiritual nourishment to himself and others through the reading of books about the lives of the saints and of the annals of the Propagation of the Faith concerning the state of the missions. He attended the Holy Mass on the first Sunday of each month and on the more solemn feasts, especially those of the Divine Redeemer and His most holy Mother; in whose honor and memory he recited the Holy Rosary daily, as a powerful aid and admirable compendium of prayers and mysteries. Having scorned the pleasures of the world, he faithfully observed the commandments of God with integrity of life, temperance, and mortification. Burning with divine love and zeal, he was generous to the poor, a peacemaker in families, and beneficent to all who were in need, and he felt himself to be humble before God and men. In this manner, as is described in the process records, the Servant of God, having reached the age of twenty-nine years, was moved by a sacred discourse about missions and by the Annals of the Propagation of the Faith, and, through the operation of divine grace, decided to dedicate himself and his efforts to the missions and to enter the Society of Mary, which he deservedly esteemed. However, several difficulties arose, both public and private, and these were also increased by the military conscription of both



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himself and his brother Gilbert, and by the death of his pious father, who, while still living, had, due to illness, left the management of the household affairs to Blasius. But, having overcome all obstacles, the Servant of God, on the eleventh day of the month of March in the year 1842, arrived in Lyons, where he, together with John Raynaud, John Taragnat, and a priest from the parish of Douarre, who had relinquished his parish duties, offered themselves to the Society of Mary, having been called by God to be among the Marist missionaries. And on the same day, in the evening, when they had arrived in that city by a prosperous journey, they all presented themselves to Father John Claude Colin, the Superior of the Society of Mary, who received them with a benevolent and joyful spirit, and immediately admitted Blasius to the novitiate at Marmoiton. There, even as a novice, he showed remarkable patience and fortitude, both during an illness he contracted through an involuntary cause, and during a serious infirmity that afflicted him later. Meanwhile, the Servant of God, having learned of the martyrdom of the priest and Marist missionary, Blessed Peter Aloysius Chanel, was inflamed with a similar desire for death for the sake of the Faith.

[*Latin ed. p. 244*]

E44 The Apostolic See, having requested and obtained permission from the Superiors, decreed that the Society of Mary be assigned to external missions among the infidels. Thus, Blasius, having duly completed his novitiate, on March 11th of the year 1843, pronounced the vows of a brother coadjutor in the same Society, and on May 3rd of the same year, departed for Gallus, together with other companions, under the leadership of the Bishop, titular of Amatensis, Douarre, from the Society of Mary, who, having received the episcopal dignity from the Holy See, had, by the same authority, undertaken to establish a mission in Nova Caledonia. They all arrived in that region on December 21st of that same year, 1843, and immediately set about building a house for habitation and prayer, and establishing a new catholica mission. While the Bishop and the two missionary priests, Reverends Bougeyrpn and Viard, were performing the sacred ministry, simultaneously learning the local language, the brother coadjutor Blasius, together with another coadjutor, John Taragnat, took care of the domestic affairs and the adornment of the sacred edifice, as well as the garden, provisions, and clothing. Furthermore, he endeavored to instruct the indigenous people, and, as far as he was able, to teach them about God, about Christ Jesus, about the Catholic Faith and religion, preparing them for the instruction of the fathers and for the proper reception of baptism and other sacraments. Devoted to prayer, the custodian of the rules of the Society, adorned with virtues, an outstanding devotee of the Most Holy Eucharist and a most devoted son of the Blessed Virgin Mary, was found to be prepared, with these supports, to face the next struggle and contest



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for the Faith of Christ. In the month of June of the year 1847, persecution began against the missionaries who were exercising the sacred ministry in the place called Balade; and the natives of that tribe, with great fury and rage, attacked the mission house, and cruelly struck Blasius Marmoiton with a spear. He, afflicted by a grievous wound, was immediately restored to health by the sacraments of the Church, and, concerned for the lives of his companions, urged them to flee, so that they might escape certain death. Overwhelmed by suffering and lying in bed, again strengthened by the sacraments, having received a salutary exhortation and blessing from Bishop Collomb, he comforted those present, and declared himself happy and ready to die for Christ, and for the conversion and perseverance of the Caledonians in the Faith, and he also earnestly prayed for forgiveness from God for himself and for his persecutors. While, so weakened, he had been able to gather his strength and take a few steps to go to the chapel and breathe his last in the house of God, suddenly, from one of those who were persecuting the missionaries, and who had already devastated the mission house and the sacred edifice, and had profaned them out of hatred for the Catholic religion, the ethnical and barbarous Blasius was, after new and terrible torments, decapitated. The fame of the sanctity and martyrdom of the Servant of God spread throughout the region of La Tourette, in all of Clermont, and among the indigenous people of Nova Caledonia, and continues to spread, with signs and miracles, as if to say –

[*Latin ed. p. 245*]

The Holy Congregation of Rites, moreover, has confirmed [the matter]. Hence, an Ordinary Informative Process was instituted in the ecclesiastical courts of Clermont and New Caledonia concerning this matter; and its acts were sent to the Holy Congregation of Rites in Rome. When all things were before them, and nothing hindered the proceeding further, at the urgent request of the Reverend Father Ludovic Copéré, the general promoter of the Society of Mary, and through attentive letters from certain Eminences of the Holy Roman Church, several Most Reverend Archbishops and Bishops, Apostolic Vicars, and Missionaries, especially from New Caledonia and the Society of Mary, and also from the general councils of the Work for the Propagation of the Faith from both central offices in Paris and Lyons, the Eminent and Most Reverend Cardinal Nicholas Marini, the Promoter or Relator of this Cause, at a meeting of the Ordinary Congregation of the Holy Rites, convened on the aforementioned day at the Vatican, proposed the following question for discussion: Should a Commission for the introduction of the Cause be appointed, in this case and for this purpose? And the Eminent and Most Reverend Fathers presiding over the sacred rites, after the report of the aforementioned Eminent Promoter, having heard the voice and the written testimony of the Reverend Father Angelo Mariani, the general promoter of the Faith, and having carefully considered all things,



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they judged it necessary to respond: A Commission for the introduction of the Cause of beatification or of declaration of martyrdom should be appointed, if it pleases the Most Holy [Pope]. On March 13, 1919. All of these things having been reported to the Most Holy Lord, our Pope Benedict XV, by the undersigned Cardinal, Prefect of the Holy Congregation of Rites, His Holiness approved the decree of the same Holy Congregation; and He deigned to sign with His own hand the Commission for the introduction of the Cause of beatification or of declaration of martyrdom of the Servant of God, Blaise Marmoiton, a lay member professed in the Society of Mary, on the 14th day of the same month and year.

[Signed:] A. CARD. VICO, Prefect of the Portuense and Liburnense Congregations, and Prefect of the Holy Roman Church.

L. S. Alexander Vérde, Secretary.

[*Latin ed. p. 246*]

246 Acta Apostolicae Sedis - Official Commentary II, MONTREAL, concerning the Mass and Communion during the Exposition of the Blessed Sacrament. The Most Reverend Paulus Bruchési, Archbishop of Montreal, reverently presented the following to the Sacred Congregation of Rites: "In certain churches and public or semi-public chapels, where the Most Holy Sacrament of the Eucharist is lawfully reserved, a certain practice has been introduced, namely, that sung or read Masses are celebrated solemnly before the Most Holy Sacrament solemnly exposed on the altar, and that, during the Masses or outside of them, Holy Communion is administered to the faithful within or outside of the same altar, during the exposition. Therefore, the same Archbishop inquired: "Whether this practice can be permitted, or tolerated?" And the Sacred Congregation, after hearing the opinion of a special Commission, and after careful consideration, decided that the question should be answered as follows: "Regarding the first part, this practice is not permitted, without necessity, or a grave reason, or a special dispensation; and regarding the second part, 'no,' in accordance with the decrees, and reference is made to Decree No. 3448 of the Society of Jesus, dated May 11, 1878, section 1." And thus it was written, declared, and confirmed, on April 17, 1919.

[Signed:] *A. CARD. VICO, Bishop of Portuen and S. Rufinae, Prefect of the Sacred Congregation.*

*L. S. Alexander Verde, Secretary.*

III. DOUBT: Regarding the proposed doubt: "Can the use of collection boxes, including those for corporal offerings, be permitted for collecting alms?" The Sacred Congregation of Rites, after hearing the opinion of a special Commission, decided to respond negatively. And thus it was written, and it was ordered to be observed. On May 2, 1919.

[Signed:] *A. CARD. VICO, Bishop of Portuen and S. Rufinae, Prefect of



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the Sacred Congregation.*

*L. S. Alexander Verde, Secretary.*

[*Latin ed. p. 247*]

The Most Holy Congregation of Rites, concerning the occurrence of two responsories during the time when two responsories of the Apostles and Evangelists, or of the Martyrs, are recited during the Paschal season. It was requested by the Sacred Congregation of Rites for a proper declaration: "What norm should be observed regarding how often, within the first and second weeks after the Octave, in the Office of the Apostles and Evangelists, or of the Martyrs, during the Paschal season, those responsories should recur which have already been recited in the first nocturn, when readings from Scripture occur?" And the same Sacred Congregation, after hearing the opinion of a special commission, and after careful consideration, decided to decree as follows:

"I. In the Office of the Apostles and Evangelists, and also in the Office of the Martyrs, during the Paschal season, in place of the seventh responsory, *Ego sum vita*, the responsory *Tristitia vestra* should be said, whenever in the first nocturn readings from Scripture have occurred with their corresponding responsories pertaining to the time, on the third and sixth days of the week within the first and second weeks after the Octave.

"II. In the Office of the Apostles and Evangelists, during the Paschal season, in place of the fifth responsory, *Virtute magna*, the responsory *Pretiosa in conspectu Domini* should be said, whenever in the first nocturn readings from Scripture have occurred with their corresponding responsories pertaining to the time, on the fourth and fifth days of the week within the first and second weeks after the Octave.

"III. In future editions of the Roman Breviary, in the Office of the Apostles and Evangelists, during the Paschal season, after the fifth responsory, the following rubric should be inserted: 'On the second and fifth days of the week within the first and second weeks after the Octave, whenever in the first nocturn readings from Scripture have occurred with their corresponding responsories pertaining to the time, in place of the preceding responsory pertaining to the time, the following is said: *Pretiosa in conspectu Domini, alleluja.* *Mors sanctorum ejus, alleluja.* *Custodit Dominus omnia ossa eorum, unum ex his non conteretur. Mors*."

[*Latin ed. p. 248*]

From the Acts of the Apostolic See – Official Commentary: "Furthermore, in the Common of the Apostles and Evangelists, and in the Common of the Martyrs, during the Paschal Time, after the seventh Response, the following rubric is inscribed: 'If, on Wednesdays and Fridays within the first and second weeks after Octavam, whenever in the Nocturns readings from Scripture occur with their corresponding Responses pertaining to the



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Time, a reading precedes the Response, the following is said in its place: 'Rejoice with Me, alleluia, * for your sorrow shall be turned into joy,' alleluia, alleluia. And so it is written, declared, and it is commanded to be observed. On May 16, 1919. L. A. CARD. VICO, Bishop of Portuense and of St. Rufina, Sacred Roman College, Prefect. L. © S. Alexander Verde, Secretary."

[*Latin ed. p. 249*]

249. From the Secretariat of State, official acts: A letter to the Reverend Father Roger of Teil, of the Society of the Divine Word: Fifty thousand francs from "Sacra Infanzia" [the Holy Childhood Association] are sent. The Most Reverend is earnestly urged to, for the increasing needs of the missions, grant a larger sum in the future to the ecclesiastical institution for indigenous people.

Most Reverend Father, among the many causes of sorrow that weigh upon the Roman Pontiff in these times, the sacred concern for the missions holds a prominent place, as the clergy, already suffering from a grave lack of personnel for many years, are, despite all desired advancements, increasingly and pitiably dwindling. Eager to remedy this evil and to preserve the fruits of so much labor, the Apostolic See has repeatedly and earnestly urged the bishops in charge of the missions to take care that those who show signs of divine vocation among the indigenous people be properly educated, so that a suitable clergy may be formed for each place, thereby conveniently supplementing the lack of missionaries and making it easier to gain access to the hearts of the inhabitants, with whom they would be united by birth, language, customs, and indeed, by nationality.

This provident work, although happily begun in many places, is growing more slowly than necessity demands, not because there is a lack of young men eager to enter the priesthood, but because the bishops, to whom the ecclesiastical institutions are entrusted, often lack the resources. These distressing conditions of the missions have been further aggravated by the recent war, which has inflicted a veritable plague, so that the very existence of the missions seems to be in danger, rather than merely their prosperity. In view of this situation, the Supreme Pastor of the Church, inflamed by the ardor for the salvation of souls and the progress of religion, earnestly implores both individual faithful and all pious societies to contribute generously.

[*Latin ed. p. 250*]

250 Acta Apostolicae Sedis - Official Commentary: Lest the scarcity of workers lead to ruin, and that, together, they may strive with all their might to avert such a disaster from the Lord's vineyard. In particular, the Holy Father turns his gaze towards this Society, which bears the name of the Holy Infant Jesus, and earnestly implores it to continue its assistance to the small seminaries, in which the most promising, if I may say so, hopes of the



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afflicted Missions for the Priesthood are nurtured. Indeed, it is not hidden from the Pontiff that a certain portion of the alms already collected is being allocated to establish institutions for some of the redeemed children, who give good hope of fulfilling a priestly office in the future; and in this matter, he rejoices greatly and bestows due praise upon the Society with a generous spirit. However, the Holy Father believes that this flourishing Society would merit even greater and more abundant rewards from the Lord if it were to pursue this work with an even more generous hand in the future, and extend its benefits also to those redeemed children who, according to the judgment of the Bishops, seem to have been called by the Lord. Therefore, the Most Blessed Father earnestly exhorts you, worthy President of the Society, to devote yourself with all your efforts to this most holy work, which appears to be in perfect harmony with the intentions of the pious Founder, and to consider it as a secondary goal of the Society itself, and to openly implore the charity of the members, whom he confidently believes will gladly contribute, both to the primary goal of redeeming children and to the secondary goal of forming indigenous priests, so that the light of divine truth may be brought to as many peoples as possible as soon as possible. And that you may approach this undertaking with even greater joy, the Holy Father initiates it with these fifty thousand francs of pious alms, and at the same time, he sincerely promises that, following the example of the Father, others will contribute even greater sums, so that the Kingdom of Christ may be spread throughout the world, using those means that time will show to be most suitable. Finally, the Pontiff earnestly implores God to be gracious to these endeavors, and to enrich your labors with the dew of heavenly graces, and with all his heart, he imparts the apostolic blessing, along with good wishes for success, as a witness of the highest intention, both to you and to the entire Society. Rome, from the Secretariat of State, on May 28, 1919. Most devotedly yours, P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 251*]

The Congregation of the Holy See of Cardinals, designated especially by the Supreme Pontiff, considered the following questions concerning the competence of the Sacred Congregations regarding matters pertaining to religious orders:

In a special meeting of the Most Reverend Fathers, designated by the Most Blessed Father, according to Canon 245 of the Code of Canon Law, the following questions were proposed:

1. Whether all questions, or instances, which concern some right, or advantage (or interest) of a religious family, or of religious members, pertain exclusively to the Sacred Congregation for Religious.

2. Whether to grant, with the customary norms observed, dispensations and remissions concerning the past, and reductions concerning the future,



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with regard to chaplaincies and other legacies, which, although not entrusted to the Order or religious family, as such, are nevertheless found in the churches of religious, pertains to the Sacred Congregation of the Council, or rather to the Sacred Congregation for Religious.

3. To which Congregation should the competence be assigned concerning the dispensation to receive the sacred orders by religious, either due to a lack of age, or due to irregularity, or concerning other conditions which are required for the conferral of the orders, or concerning the studies which are a prerequisite for the sacred ordinations.

4. To which Congregation should the competence be assigned concerning religious who, due to illness or other cause, are physically or morally prevented from celebrating the Mass, such as those who are unable to stand on their feet.

The Most Reverend Cardinals, to whom the resolution was entrusted by His Holiness Pope Benedict XV, judged that the following answers should be given:

To 1. Affirmative: but in the sense of Canon 251 of the Code of Canon Law.

To 2. Exclusively to the Sacred Congregation for Religious, as long as the administration and fulfillment of the legacies pertain to the Religious.

To 3. To the Sacred Congregation for Religious.

To 4. To the Sacred Congregation for Religious.

All of which His Holiness approved and confirmed.

Rome, on the 24th of March, 1919.

*Signed:* C. CARD. DELAI, Bishop of Sabina, Secretary.

[*Latin ed. p. 252*]

Acta Apostolicae Sedis - Official Commentary 252. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. NOTICE OF COMPETITION. A competition is hereby announced by the Sacred Congregation for the Propagation of the Faith for the filling of a position as a clerk. Priests who wish to participate in this competition must present their application, along with the necessary personal information and the "nihil obstat" from their respective Ordinary, to the Secretariat of said Sacred Congregation within fifteen days from the date of this notice. A degree in Sacred Theology or Canon Law is required for admission to said competition. Furthermore, it is permissible for the candidates to present any titles that may demonstrate their suitability for the aforementioned position. The dates on which the competition will take place will be announced in due course. For the information of priests who wish to participate, it is hereby noted: 1) that the competition will consist of two written examinations, one in the Latin language and the other in Italian; 2) that the topics will be primarily related to Moral Theology and



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Canon Law; 3) that particular consideration will be given to knowledge of foreign languages; 4) the candidates must not exceed the age of 40 years. Rome, from the Sacred Congregation for the Propagation of the Faith, May 31, 1919. SACRED CONGREGATION OF RITES. Tuesday, April 29, 1919, before the Most Reverend and Illustrious Cardinal Granito Pignatelli di Belmonte, Promoter of the Cause of Beatification and Canonization of the Venerable Carlo Giacinto di Santa Maria, professed priest of the Order of Discalced Augustinians of S. Agostino, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates and theological consultants discussed the question regarding the heroism of the virtues exercised by the aforementioned Venerable Servant of God.

[*Latin ed. p. 253*]

The Roman Curia Diary, 253. On Tuesday morning, May 13, 1919, in the Apostolic Palace at the Vatican, the Ordinary Congregation of Sacred Rites was held, in which the following matters were presented to the judgment of the Most Eminent and Reverend Lords Cardinals who comprise the same, for consideration: 1) The introduction of the cause for beatification and canonization of the Servant of God Paola Elisabetta, in the world Costanza Cerioli, widow Buzecchi-Tassis, foundress of the Institute of the Holy Family, in Bergamo; 2) And likewise, the introduction of the cause for beatification, or the declaration of martyrdom, of the Servant of God Biagio Marmoiton, a lay brother of the Society of Mary (Marists), who, it is asserted, was killed in hatred of the Faith in 1847 in New Caledonia. On Tuesday, May 27, 1919, in the Apostolic Palace at the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates Officials and the Theological Consultors who comprise the Sacred Congregation of Rites, a second session of the New-Preparatory Congregation was held, to discuss the matter of two miracles, which it is asserted were wrought by God through the intercession of the Blessed Theophilus Corte, a professed priest of the Order of Friars Minor, and which are proposed for the canonization of the same Blessed.

SECRETARY OF STATE. By order of the Secretary of State, the Holy Father deigned to appoint:

May 3, 1919: The Most Reverend Cardinal Michele Lega, Apostolic Visitator of the Pious Places of the Catechumens.

May 9, 1919: The Most Reverend Cardinal Audo Gasquet, Librarian of the Holy Roman Church.

May 10, 1919: Monsignor Filippo Mauri, Referendary Prelate of the Supreme Tribunal of the Apostolic Signature.

May 12, 1919: The Most Reverend Cardinal Vittorio Amedeo Ranuzzi de'Bianchi, Protector of the Congregation of the Sons of Mary Immaculate.

May 19, 1919: The Most Reverend Cardinal Basilio Pompilj, Protector of



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the Congregation of the Bigi Friars and of the Institute of the Bigi Elizabethine Sisters.

May 19, 1919: The Reverend Father Luigi Copéré, General Procurator of the Society of Mary, Consultor of the Sacred Congregation of Religious.

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis - Official Commentary, May 20, 1919, pages 27-28.

Most Reverend Enrico Sibilia, titular Archbishop of Side, and Most Reverend Alfred Peri-Morosini, titular Bishop of Arca, Consultors of the Sacred Congregation for Extraordinary Ecclesiastical Affairs.

Reverend Father Carmelo Conte, Substitute of the Defender of the Bond at the Tribunal of the Holy Roman Rota.

The Most Reverend Cardinal Aidano Gasquet, Protector of the Sisters of Charity of the Incarnate Word, in Saint Anthony of Texas.

By Apostolic Briefs, the Holy Father deigned to appoint:

Apostolic Protonotaries, with the same privileges:

February 8, 1919.

Most Reverend Domenico Benigno Cruz, of the diocese of the Most Holy Conception in Chile.

May 14.

Most Reverend Elia Amieux, of the diocese of Guadalupe.

May 16.

Most Reverend Adriano Smetz, canon of the Holy Sepulchre.

Domestic Prelates of His Holiness:

February 2, 1919.

Most Reverend Ernesto Palacios Varos, of the archdiocese of Santiago of Chile.

Most Reverend Baldomero Pradeñas, of the diocese of the Most Holy Conception in Chile.

April 24.

Most Reverend Carlo Maritano, vicar of the military bishop in Italy.

Most Reverend Michele Cerrati, vicar of the military bishop in Italy.

May 30.

Most Reverend Luigi Dubuc, of the archdiocese of Montreal.

Most Reverend Francesco Saverio de la Durantaye, of the same archdiocese.

Most Reverend Giovanni Edoardo Donelly, of the same archdiocese.

Most Reverend Giuseppe Arsenio Richard, of the same archdiocese.

Most Reverend Giuseppe Avila Bélanger, of the same archdiocese.



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Most Reverend Ermenegildo Cousineau, of the same archdiocese.

Most Reverend Giovanni Ghezzi, of the archdiocese of Milan.

[*Latin ed. p. 255*]

From the Roman Diary, May 25th. HONORS. With Brief Apostolical documents, the Holy Father deigned to confer the following honors: The Grand Cross of the Order of the Holy Sepulchre: May 17th, 1919. To Don Marcantonio Colonna, Prince Assistant to the Throne. The Commanderate of the Order of Saint Gregory the Great, civil class: May 14th, 1919. To Mr. Doctor Carlo Marchisio, of the diocese of Novara. The Knighthood of the Order of Saint Gregory the Great, civil class: December 18th, 1918. To Mr. Ludovico Coccapani, of the archdiocese of Pisa. April 24th, 1919. To Mr. Father Basilio Lamarre, of the archdiocese of Montreal. April 25th. To Mr. Nicola Riveiro, of the diocese of Santiago de Cuba. May 4th. To Mr. Enrico Alessandro Sleiffers, of the diocese of Harlem. May 15th. To Mr. Renato Ledere, of the diocese of Goutances. May 20th. To Mr. Giovanni Poggi, of the diocese of Modigliana. The Commanderate of the Order of Saint Sylvester the Pope: May 2nd, 1919. To Mr. Knight Giuseppe Pelici, of Rome. The Knighthood of the Order of Saint Sylvester the Pope: April 26th. April 29th. May 21st, 1919. To Mr. Latif Kedemos, of the Apostolic Vicariate of Egypt. To Mr. Arnoldo Adriano Maria van Eyl, of the diocese of Bois-le-Duc. To Mr. Francesco Parisi, of Rome. To Mr. Gerardo van der Heyden, of the diocese of Breda.

MAJORDOMO OF HIS HOLINESS. With letters from His Eminence, the Reverend Monsignor Majordomo, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: January 29th, 1919. Monsignor Giuseppe Lebeau, of the archdiocese of Ottawa. April 29th. Monsignor Mario Nuzzi, of the diocese of Arezzo. May 12th. Monsignor Romualdo Pasté, of the archdiocese of Vercelli.

[*Latin ed. p. 256*]

256 Acta Apostolicae Sedis - Commentarium Officiale, May 12, 1919.

Mons. Carlo Salamano, of the same archdiocese.

Mons. Francesco Parroccini, of the diocese of Monteflascone.

Mons. Giuseppe Pagánucci, of the diocese of Fano.

Mons. Prospero Casella, of the archdiocese of Genoa.

Secret Chamberlains, both of Sword and Mantle, Supernumerary to His Holiness: April 24, 1919.

To the Baron Hans von Montagnac-Vörös, of the diocese of Coirà.

May 21st.

To the Count Luigi Affre de Saint-Rome, of the archdiocese of Paris.

Honorary Chamberlains, wearing the purple habit of His Holiness: April 29th, May 17th, May 19th, 1919.



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Mons. Ermenegildo Bullian, of the archdiocese of Udine.

Mons. Giacomo Magnani, archpriest and pastor of Porto Santo Stefano.

Mons. Sebastiano Gaetano, of the diocese of Castellammare di Stabia.

Mons. Giuseppe Musante, of the diocese of Livorno.

Honorary Chamberlain of Sword and Mantle, Supernumerary to His Holiness: May 9, 1919.

The Signor Giacomo Leser, of the diocese of Ratisbon.

Honorary Secret Chamberlain to His Holiness: March 18, 1919.

Mons. Carlo Pasquinelli, of the archdiocese of Lucca.

[*Latin ed. p. 257*]

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## ACTA APOSOLICAE SEDIS

COMMENTARY

## FROM THE ACTS OF POPE BENEDICT XV

### SACRED CONSISTORY

On July 3, 1919, a secret Consistory was held in the apostolic palace at the Vatican, the Acts of which are reported in order:

### I. - ADDRESS OF HIS HOLINESS, POPE BENEDICT XV.

CONFIRMATION OF THE ELECTION OF THE PATRIARCH OF ANTIOCH OF THE GREEK MELCHITES.

**VENERABLE BROTHERS:**

Indeed, it is most fitting that we, for the benefit of this venerable Order, assign new pastors to the Churches. Above all, the authority of Our See demands it for the Church of Antioch of the Greek Melchites; for the venerable brother, Most Reverend Cyril Geha, Patriarch, who for a long time and with great diligence governed it, has, in recent years, been weakened by illness and age, and has ceased his duties. Therefore, in order to designate a successor, the Catholic Bishops of the same nation, as soon as circumstances permitted, convened in a Synod at the Basilian monastery in the town of Sarba, on the twenty-ninth of March last; and when the time came for the vote, all, with one voice and acclamation, elected him.

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis - The official commentary stated that the



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Most Reverend Brother Demetrius Cadi, Archbishop of Alep, Apostolic Vicar of the Patriarch of Halab, had declared to the Patriarch. They then informed us of the election that had been made, and they earnestly requested that we would be pleased to bestow upon the elected Patriarch the sacred honor of the Pallium. The same was implored by him, with a solemn profession of the Catholic faith. We delegated to the Sacred Congregation for the Eastern Churches to express its opinion and to give its judgment; and after carefully considering all matters, it was deemed fitting to grant the request. - Indeed, the Most Reverend Brother Demetrius Cadi, a man of no mean intellect, and also instructed in doctrine and endowed with virtuous qualities, has consistently demonstrated, in all that he has done, how devoted he is to this Apostolic See. He has reformed many things that had fallen into disrepair in the Archiepiscopal See of Alep, and he has submitted a report to the Sacred Congregation for the Propagation of the Faith concerning the state of that Church, and the bishops of the Melkite Church, for the first time, have spontaneously complied with the present discipline prescribed by him. Furthermore, he has also testified to his obedience to the Roman Pontiff, stating that, when he visited Rome, he presented letters to the Cardinal Prefect of the same Sacred Congregation, and maintained that it would be fitting if greater authority were granted to the Apostolic See in the election of Eastern bishops. And there is no doubt that, as he has long desired, he will exert diligent efforts to ensure that this is accomplished. - Therefore, concerning the opinion of the Sacred Congregation for the Eastern Churches, we hereby confirm the aforementioned Most Reverend Brother as Patriarch of the Greek Melkite Church of Antioch, and we bestow upon him the Pallium, taken from the body of the blessed Peter. Thus, by the authority of Almighty God, and of the holy Apostles Peter and Paul, we confirm and approve the election made by the Venerable Brothers, the Greek-Melkite Bishops, of the Venerable Brother Demetrius Cadi, and we release him from the bond that had previously restricted the Church of Alep, and we appoint him Patriarch of the Greek-Melkite Church of Antioch.

[*Latin ed. p. 259*]

Acta Benedicti PP. XV, 259, concerning the Melchites, as will be expressed in the decree and in the Consistorial records: notwithstanding any objections. In the name of the Father, and of the Son, and of the Holy Spirit. Amen. Now, as we have omitted elsewhere matters which pertain not only to the Orient, but to the entire Christian community, we will not pass over this, having recently been concerned with certain missions. Indeed, when we learned in the council at Versailles, concerning the making of peace, that certain deliberations seemed to endanger the rights of the evangelical preaching, we requested certain men, with confidence, to diligently consider this matter. We also sent a distinguished member



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of the Roman Curia there, who, as far as possible, would defend these rights. Here, we wish to announce that these very men, having considered our proposals with equanimity, have largely satisfied Us. Therefore, we encourage them to follow with equal fairness in carrying out what they have decided concerning this matter, which is of interest not only to the Catholic religion, but also to civil order and humanity itself. And since hostilities have finally ceased at Ostiglia, we humbly invoke divine clemency, that the maritime blockade may now be lifted, and that the immense suffering of all things may be alleviated, so that as many captives as are still held may be released as soon as possible, and that those men and peoples who are still hostile to each other may be united in Christian charity, which We, for Our part, do not cease to implore; for if this is lacking, all peace agreements will be futile. Now, let us turn to the other Churches, beginning with the Church of Tusculum.

## II. APPOINTMENT TO THE SUBURBAN CHURCH OF TUSCULUM.

His Most Holy Lordship has appointed the Reverend Cardinal, Julius Boschi, as Prefect of the suburban Church of Tusculum, with the title of Saint Lawrence in Panisperna, and to the Churches of Ferrara and Comacchio (-Pomposa).

[*Latin ed. p. 260*]

Acts of the Apostolic See - Official Commentary 260 III - PROVISIONS CONCERNING CHURCHES. After these matters, the Most Holy Lord Our Pope has provided for the following churches, namely: To the titular archiepiscopal church of Ancyra, He appointed the Reverend Father Michael Zezza, formerly Bishop of Puteoli, whom He established as Coadjutor to the Most Reverend Cardinal Joseph Prisco, Archbishop of Naples. To the titular archiepiscopal church of Antioch, He appointed the Reverend Father John Volpi, already Bishop of Arezzo. To the metropolitan church of Gorcyra, to which the sees of Zacynthus and Cephalonia were recently canonically and perpetually united, He appointed the Reverend Father Leonard Brindisi, already Archbishop of Naxos. To the metropolitan church of Naxos, to which the sees of Tinos and Mykonos were recently canonically and perpetually united, He appointed the Reverend Father Matthew Vido, already Bishop of Tinos and Mykonos. To the titular archiepiscopal church of Naupactus, He appointed the Reverend Father Achilles Ratti, Apostolic Nuncio to the Republic of Poland. To the metropolitan church of Montevideo, the Reverend Father John Francis Aragone, a diocesan visitor of the same archdiocese. To the titular episcopal church of Sinop, He appointed the Reverend Father James Mary De Amicis, a canon of the metropolitan church of Genoa, whom He established as an Auxiliary to the Most Reverend Cardinal Pius



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Thomas Boggiani, Archbishop of Genoa. To the titular episcopal church of Mosynopolis, He appointed the Reverend Father Benjamin Roland Gosselin, a priest of the diocese of Paris, whom He established as an Auxiliary to the Most Reverend Cardinal Leo Amette, Archbishop of Paris. To the cathedral church of Sion, He appointed the Reverend Father Victor Bieler, chancellor of the episcopal curia, and professor in the theological seminary of the same diocese. To the cathedral church of Clonfert, He appointed the Reverend Father Thomas O'Doherty, a canon and dean of discipline at the National College of Maynooth. To the cathedral church of Sditemi, He appointed the Reverend Father Thomas Camacho, a parish priest of "Aguada" in the city of Montevideo. To the cathedral church of Melo, He appointed the Reverend Father Joseph Mark Semeria, a vicar general of the archdiocese of Montevideo.

[*Latin ed. p. 261*]

The acts of Pope Benedict XV, page 261, state that the Cathedral Church of Nazare in Brazil, recently erected, has appointed the Reverend Richard Ramos da Gosta Vitella as its pastor, from the parish of "Gravada" in the archdiocese of Olinda. The Cathedral Church of Geranhuns, also recently erected, has appointed the Reverend John Tavares de Moura as its pastor, in the city of Olinda. The Cathedral Church of Guaxupé has appointed a pastor in the diocese of Ariano. The Reverend Anthony Aemidius Correa. Furthermore, the Most Blessed Father also publicly announced other individuals who had previously resigned, through Apostolic Letters bearing the papal seal: ARCHBISHOPS: of Angelorum, Henry Sánchez Paredes; of Larissa, Bernard Arguinoniz y Astobira; of Achrida, John Pessinuntinus; of Barry, William Cieplak; of Tarragona, Francis Vidal y Barraquer, who is already the Bishop of Penticost. BISHOPS: of Tamaulipan, Joseph Guadalupe Ortiz; of Sonora, John Navarrette; of Queretaro, Francis Banegas; of Des Moines, Dardanus, Thomas Anthony William Drummu Keil; of Argyll and the Isles in Scotland; of Evarius; of Isiondensis; of Marcellinus Carolus Marty; of Myriophyten, Felix Troianus; of Fortunatus IV. SACRED ORDERS: Mary Donald Martin; Capettini; Couturier; Farina. REQUEST AND GRANT OF THE SACRED PALLIUM. Then, the Most Blessed Father granted the Sacred Pallium to the following churches: Gorcyrensis, Naxiensis, Montisvidei, Angelorum, Tarraconensis, Troianae (by privilege), and Antiochenae of the Greek Melchites.

[*Latin ed. p. 262*]

262 Acta Apostolicae Sedis - Official Commentary. APOSTOLIC LETTER TO THE METROPOLITAN CHURCH OF CORFU, UNITING THE SEATS OF ZANTE AND CEPHALONIA. BENEDICT XV. For the sake of posterity. — Since the care of all Churches has been entrusted to Us by the Apostolic office which We hold, We diligently consider the well-



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being and prosperity of those entrusted to Our charge, in all matters and at all times. Now, since the administration of the Metropolitan Church of Corfu has already united the dioceses of Zante and Cephalonia, which were previously subject to it; and since, in order that assistance in spiritual matters may be more readily provided to these individual Catholic dioceses in the future, We have deemed it opportune to unite the aforementioned three Sees into a single archdiocese; We, having carefully considered all relevant circumstances and with diligent study, together with the Most Reverend and Venerable Cardinals, Prefects of the Congregation for the Propagation of the Faith, have determined the following. Therefore, by Our own authority and with certain knowledge and mature deliberation, by the present document, We unite the aforementioned three Sees, the Sees of Corfu, Zante, and Cephalonia, into one archdiocese, and We wish that it be called in the future the Archdiocese of Corfu, Zante, and Cephalonia. We decree, We command, We establish, declaring these present Letters to be always firm, valid, and efficacious, and to have and obtain their full and complete effect, and to be fully efficacious for those to whom they pertain, now and in the future; and that it should be duly judged and declared invalid and void from this moment and forever, if anything contrary to these things should be attempted by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, near the Holy Peter, on the day of June, in the year 1919, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 263*]

Acta Benedicti PP. XV, 263, II. The Metropolitan Church of Naxos is joined with the Sees of Tinos and Mykonos.

BENEDICT PP. XV. For the better management of this sacred affair, we are reminded by the supreme office of the Apostolate, which we exercise on earth, albeit undeservedly, to diligently strive for what is best. Indeed, since the number of Catholics of the Latin rite in the Metropolitan Church of Naxos has greatly diminished for many and diverse reasons, it has seemed opportune to add and unite two of its suffragan Sees, namely the See of Tinos and the See of Mykonos, so that they may henceforth be united as one; We, having carefully considered all the circumstances with the Most Reverend and Most Eminent Cardinals, Prefects of the Congregation for the Propagation of the Faith, have therefore decided that the following should be decreed. By a Motu Proprio, and with certain knowledge and mature deliberation, by the fullness of Our Apostolic authority, by the force of the present document, we temporarily add the two suffragan Sees, namely the See of Tinos and the See of Mykonos, to the Metropolitan See of Naxos, and we unite them in such a way that they shall henceforth be considered as one See, to be called the Metropolitan See of Naxos, Tinos, and Mykonos. This we decree, command, and establish, declaring that these present Letters



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shall always remain valid and effective, and shall have and obtain their full and complete effect, and that they shall fully suffice for those to whom they pertain, now and in the future; and that it shall be considered and defined as lawful, and that anything to the contrary, attempted by anyone, knowingly or unknowingly, shall be declared void and of no effect from this moment forward. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the first of June, 1919, in the fifth year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 264*]

Acts of the Apostolic See - Official Commentary on the LETTER from Our Most Holy Father, Pope Leo XIII, to the Most Reverend Cardinal Grasso, Archbishop of Salernitanum, to the Most Reverend Herculanum Marini, Archbishop of Amalfitanum, and to the other Bishops who convened at Pompeii for the Marian celebrations, expressing gratitude for the reverent observance of the duties and commending their zeal and foresight.

Venerable Brothers, greetings and the apostolic blessing.

We have learned that you, assembled recently in Pompeii, as you have informed us, held deliberations at the Marian shrine, and these have appeared to Us to be of great benefit. To defend the dignity of the clergy, striving to ensure that those who are nurtured in the sacred seminaries, the hope of the Church, are taught virtue, discipline, and knowledge, and especially those who perform pastoral ministry, to labor as good soldiers of Christ Jesus, is the greatest duty of bishops, and he who fulfills this duty properly provides that from which, as from a head, all other things necessary for the holy instruction of the Christian people are derived.

It was fitting and appropriate that your paternal charity should extend to so many children, and that you should provide for them. It will be a more just and complete undertaking if you consult on this matter, not only for the good of their bodies, but also of their souls. As for Us, We thank you for the duties performed, and We commend your zeal and foresight. May divine grace be with you, and may the clergy and the people entrusted to each of you diligently observe this. We impart to you, venerable brothers, and to all of you, the apostolic blessing, a testament of Our benevolence.

Given at Rome, near the blessed Peter, on the twentieth day of March, in the fifth year of Our pontificate.

**BENEDICT XV, MCMXIX.**

[*Latin ed. p. 265*]

265 The Acts of Pope Benedict XV, Addressed to the Most Reverend



*Translated by churchlatin.ai, a product of Boyne Archives*

Fathers, Bernard, Archbishop of Bogota, and other Archbishops of Colombia, concerning the Congratulations for the Marian Gathering to be Held. Venerable brothers, greetings and the apostolic blessing. — We have received with pleasure and complete agreement your proposal concerning the Marian Gathering to be held soon. For the most blessed Virgin, whom God Himself so loved that He chose her to be His Mother; and considering how greatly she is loved by Jesus, her Son, and with what generosity she loves those who love Him, it is scarcely possible for Us to fully comprehend, and yet We are simultaneously filled with the desire that all the faithful may be drawn to this most loving Mother, that they may honor her, imitate her. Furthermore, this is the reason why We congratulate you so heartily on this undertaking, and why We hope so much from it. You, venerable brothers, must first of all ensure that the interior piety of the hearts present at the gathering is equal to the external pomp and splendor; and that what is begun will not be a fleeting vapor, serving only the eye, or built up for only one or two days; but that it will provide lasting incentives and support for the fostering of devotion to the Virgin, for the strengthening of faith, and for the advancement of Christian discipline. For who can say that such a gathering of Catholics has achieved its purpose if it accomplishes nothing more than the praise of the Virgin by a multitude of people? Holy and praiseworthy indeed is this; but something greater is to be sought: namely, that the tender flowers of piety may flourish in Mary, and that, through study and the actions of Christian life, they may give forth fragrance and abound in grace. In the meantime, We impart, with paternal affection, Our apostolic blessing, a testament to Our benevolence, to you, venerable brothers, and to all those who will participate in the gathering with you, through Jesus Christ our Lord. Given at Rome, at St. Peter's, on the twenty-first day of March, in the year 1919, in the fifth year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis - Official Commentary III TO THE REVEREND FATHER ANGEL MARQUINA Y CORRALES, BISHOP OF ARIO: CONGRATULATIONS ON THE UPCOMING DIOCESAN SYNOD. Venerable brother, greetings and the apostolic blessing. — It is truly a cause for joy for us to congratulate you sincerely. For, after nearly two hundred years since the last diocesan synod was held here, you are planning another, as you write; and you desire that it be enriched and blessed by Our own blessing; and you request that heavenly graces, of which We have the dispensation, be granted to those who will piously visit this cathedral basilica at the time the synod is held. We recognize your pastoral diligence, and We commend you most highly for it in its name. For you undertake matters with splendor and fruitfulness, which are most closely joined to the good of your Church. As for Us, We gladly grant your request in prayer.



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You, venerable brother, should strive that nothing be lacking in the new synod which might make the discipline of the clergy and the people more holy. Concerning what must be followed and observed in establishing and maintaining the sacred order, and in imparting the food of the divine word and fostering a sense of religion, you will find much in the Code of Canon Law, which We promulgated not long ago. But you will make those prescriptions more effective and more suitable for your faithful, using your prudent judgment, and also keeping in mind those things which approved customs and the particular circumstances of time and place suggest. We have expressed these things in order to encourage you. In the meantime, while you pray that God may fructify your plans and direct them to His glory, We impart to you, venerable brother, to those who assist you in carrying out the synod, and to all who participate, Our apostolic blessing, a pledge of heavenly help and a witness of Our benevolence, through Our Lord Jesus Christ. Given in Rome, at St. Peter's, this twenty-second day of April, in the fifth year of Our pontificate. BENEDICT XV, POPE.

[*Latin ed. p. 267*]

1 267 Acts of Pope Benedict XV

IV TO THE REVEREND FATHER JOHN BBNLLOGH, ARCHBISHOP OF BURGOS FOR THE MISSIONARY WORK OF THE COLLEGE IN HIS DIOCESE. Venerable brother, greetings and the apostolic blessing.

Since we have promoted you from the Urgel diocese to the archdiocese of Burgos, it was our intention to prepare a wider field for your active virtues, where they might exercise themselves more abundantly. For we have long known your eagerness to seek the glory of God and the salvation of souls, wherever you are given the opportunity to do so. And you will indeed find the greatest opportunity in the new diocese to which you have been appointed. Moreover, among other things, we wish you to consider this: that you should provide for the proper establishment, within the walls of Burgos, of a college for young men selected from the clergy, who have been called by God to preach the Gospel to the barbarians, so that they may subsequently be assigned to foreign missions. For the long war and the great poverty have brought about a great need; and since the colleges that already exist for the Propagation of the Faith are not sufficient to meet this need, it is most fitting that similar institutions should exist in greater numbers, supported by the generosity of the Catholic peoples. In this matter, Spain, which has such distinguished merits in the Christian apostolate, should certainly not forget itself, but should contribute as much as possible. And it has so happened, by divine providence, that you will find something of this kind already begun in the very city where your honor resides; for you are not unaware that Gerard Villota, a priest of blessed memory, with a view to assisting both the dioceses of Latin America and the missionary posts among the infidels, laid the foundations for a college, with a double



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purpose, one for the training of priests, the other for the training of missionaries, although he was limited by the extent of his fortune. Therefore, it will be your task to foster this, as if it were a seed, with all your care, so that, with God's help, it may gradually grow into a great tree and eventually bear abundant fruit. Moreover, the example of your work will greatly encourage the studies of others; and there is no doubt that your fellow bishops from Spain will wish to assist you in this most noble cause, which contributes to the growth of the Holy Church, in whatever way they can. We impart to you, venerable brother, and to your clergy and people, our most loving apostolic blessing, as a pledge of divine favor and a witness of our paternal benevolence.

Given at Rome, near the blessed Peter, on the thirtieth day of the month of April, in the fifth year of Our Pontificate.

**BENEDICT XV, POPE.**

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis - Official Commentary V To the Reverend Father Venantíum a Lisle-en-Rigault, General Minister of the Order of Friars Minor Capuchin, on the third centenary of the blessed death of St. Lawrence of Brundusio. Beloved son, greetings and apostolic blessing. — Among the most distinguished men who, by the providence of God, have been raised to assist in the work of the Church, a most prominent place is held by that illustrious ornament of your Order, Lawrence of Brundusio, whose blessed death we are about to complete three centuries. Indeed, it was a time of grave trials for the Christian cause, when the Protestant heresy, widely disseminated, had caused immense damage to the Catholic religion; and it is truly astonishing how ardently he strove to defend and spread the faith. Many regions of Europe bear witness to this, which he traversed with great fruit for souls; in some, he brought back those who had strayed; in others, he strengthened those who were wavering; and in still others, he fostered common piety. And when, as is customary, unrestrained licentiousness of morals was accompanied by the deceptions of errors, countless numbers were led from the mire of vice, not only by a singular power of preaching, but also by the example of a most innocent life, to a good life. Truly, his virtue shone forth in a remarkable way when, during a war, a struggle was waged, not for freedom, but for the salvation of the Christian name, near Alba Regalis in Hungary. For, bearing aloft the image of the Crucified Jesus, and preceding our small forces, safe from wounds by divine protection, he entered the city first, so that, in the opinion of all, victory might be attributed to him above all. Moreover, he was certainly endowed with remarkable prudence and wisdom; and for this reason, he undertook many and most noble missions on behalf



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of the Faith, in which he was accustomed constantly to defend the rights of the Apostolic See, to which he was most devoted. Nor should it be overlooked that he always diligently promoted the welfare of the public, as he assisted princes, and diligently composed the dissensions of cities, and with steadfast zeal, he constantly offered peace to the people and harmony. Therefore, the memory of such a man, who has done so much good to the Church and to human society, is certainly worthy and fitting to be celebrated in this secular year; since the times in which he lived bear a not insignificant resemblance to our own. For now, too, there are great disturbances, and it is necessary to restore the principles and institutions of Christian life in the people, to stir up the Faith, and to quell hatreds.

[*Latin ed. p. 269*]

Acta Benedicti PP. XV 269: "Et omnino oportet ut caritas Iesu Christi ubique revocetur." Haec, quae agere intenditis, sacra sollemnia, videntur ad hoc conferre non parum: et vos, ut heredes gloriae huius, alacres vestigiis eius insistatis, ut vestra in Ecclesiam civilemque rem promerita, cum Apostolica Sede coniuncti, augeatis. Nos autem, ad fructum splendoremque istius commemorationis amplificandum, eas facultates et Indulgentias, ex praescripto S. Rituum Congregationis die xx maii MDCCCLXII dato, pro triduanis supplicationibus in honorem beati vel sancti novensilis fieri solitis, easdem vobis pro sacris sollemnibus quae ab hac die, prima die Iulii MCMXIX, ad diem XXXI Iulii MCMXX celebrabitis, libenter concedimus. Et ut auspicem divinorum munerum et peculiaris benevolentiae Nostrae testem, tibi, dilecte fili, et universae, cui praees, Fratrum Minorum Capuccinorum familiae apostolicam benedictionem amantissime impertimus. Datum Romae apud S. Petrum, die I maii Nostri anno quinto, MCMXIX, Pontificatus BENEDICTUS PP. XV.

## AD RELIGIOSAS FEMINAS, ANISTITAS AC SORORES DOMINICANAS HIBERNIAE.

EX ACTU: A CONDITA IPSARUM FAMILIAE DUBLINI, SAECULUM SECUNDUM COMMEMORAT ET LAETATUR.

Dilectae in Christo filiae, salutem et apostolicam benedictionem.

Exactum non ita pridem saeculum secundum a condita Dublini familia vestra et exiens iam primum, ex quo, latius ea proferens locum tentoni sui, se Cabram contulit, una vobis libet eademque coniungere recordatione ac laetitia. Optimo id sane consilio. Dublinensis enim et Cabrensis familia non disciplina solum ac magisterio sociantur, sed ortu, fortunae vicissitudinibus ac rerum plurimarum memoria, cum altera alterius germen sit ac generosa propago et, uti bene notis, ab unius vita, vita alterius disiuncta numquam fuerit. Ad haec, uti edita a maioribus, per varias temporum aetates, virtutum exempla, quo plura simul subiiciuntur oculis, eo ad imi-



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tandum excitant magis, ita collata iisdem, longo annorum spatio, divina beneficia, cum omnia simul considerantur, grandescunt quodammodo et grati animi sensus facilius commovent. Nos quidem, qui uti propria habemus decora dominicana Ordinis, libenter scitote cogitatione apud vos per hos dies diversari ac...

[*Latin ed. p. 270*]

270 Acta Apostolicae Sedis - The official commentary offers no small consolation to share with you concerning those pious sisters of yours who were the first to reside in Dublin. For in them, we seem to see almost a reflection of the early Christians, who, under similar laws and punishments, and facing the same hostility from the enemies of the Catholic name, were forced to conceal themselves and remain at home. But can anything extinguish charity? Certainly not. Those sisters of yours, with prudence, but without timidity, have never ceased to serve religion and to defend its cause more and more each day, amidst the difficulties and dangers that were presented to them, and everything they have done is a testament to this. But, after a century had passed, the hatred towards Catholics had diminished, and unjust laws were repealed; and that small grain of mustard seed, which the Dominican charity had planted and watered, what would it not have grown into and become a great tree? Divine help accomplished this: and we ourselves have seen many birds of the heavens, that is, boys and girls, to whom you dedicate yourselves especially in their Christian education, coming and dwelling in its branches. Indeed, in Dublin and Cabra, and later in the countless houses that the Dominican family has opened in America, in Australia, in New Zealand, and even in Africa, the Dominican nuns, finally placed under a greater freedom, have multiplied their works and activities, contributing greatly, as is evident, to the good of the Church and of society. All of these things are mentioned especially to encourage you to cultivate those virtues that your sisters have recommended to you by their example: Christian fortitude of spirit and active charity. But it is hardly necessary to urge them, for their praises spontaneously attract all Christians. You, however, for your piety towards us, while offering due thanks to God during the established ceremonies, please offer some prayers for us. You see what times are upon us, and how great are the concerns that weigh upon us. We greatly need divine help so that we may wisely govern and bravely defend the Church, which is progressing through so many difficulties and adversities. May the blessing of the heavens, a witness to our works and benevolence, be with you, beloved daughters in Christ, and with all your sisters, which we impart to you with all our heart in the Lord. Given in Rome, at St. Peter's, on the tenth day of our fifth year. BENEDICT



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XV, May 15, 1919.

[*Latin ed. p. 271*]

Acts of Pope Benedict XV, 271, addressed to Most Reverend Maximilian Kassiepe, from the Oblates of the Immaculate Virgin Mary, on the twenty-fifth anniversary of the founding of the Pious Union for the Support of Missions.

Beloved son, greetings and apostolic blessing.

Your letter, concerning the Pious Union of Mary for the Support of Missions, which you founded twenty-five years ago, brings to our attention the holy and beneficial purpose of this undertaking, and we heartily congratulate you on the well-placed labors and the not insignificant fruits thereof. For you are indeed storing up for yourselves a treasure that will not fail in Heaven, by increasing the number of evangelical men and aiding works for those who still sit in darkness and in the shadow of death. And we desire that all Catholics may join you in this praise! They look to the East; let them turn to the West. How much land everywhere is ready to receive the seed of Christianity! How great is the power of men to be transferred from impure superstition to true religion and faith! The harvest is indeed abundant, but the laborers are far fewer than are needed for the vastness of the field to be cultivated. Therefore, let men of mercy be multiplied, who, through prayers, support, and every possible means, may assist those who labor in the dust and in the sun. Do not cease to stir up, to encourage, and to increase the charity of many who are growing cold. And let these remember their duty: let them consider in their hearts the promised rewards for acts of mercy, and, desiring to show mercy to their abandoned brothers, let them freely impart it.

We, confirming with these letters the praises and privileges granted to your work by our predecessors, commend this same work to bishops and to all good men, again and again; and to you, beloved son, and to all those who assist in your work, we impart our apostolic blessing, the reconciler of heavenly gifts, and a witness to our benevolence, in the Lord.

Given at Rome, near the blessed Peter, on the fifth day of May, in the fifth year of our pontificate.

**BENEDICT XV, POPE.**

[*Latin ed. p. 272*]

272 Acta Apostolicae Sedis - Official Commentary VIII TO THE REVEREND FATHER, DOM LEOPO LDO DÜARTE SILVA, ARCHBISHOP OF SANCTI PAULI, COMMENDING HIS MERITS AND THE WORKS OF HIS CHARITY AND EPISCOPAL OFFICE. Venerable brother, greetings and apostolic blessing. — We have recently received joyful news: both concern-



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ing the illness that has spread widely among you, as is almost everywhere, and concerning the constancy of your charity, which has been so celebrated that it can scarcely be praised more highly. Indeed, when, as was reported, the situation had reached a point where those not touched by the force of the disease were seized by fear, so that they might be deterred from offering assistance, you, mindful not of the words of a good shepherd, but of the actions of one, attended to your flock with all the duties of charity. This example has, we are pleased to learn, inspired admiration and feelings of gratitude from citizens of all ranks, and has greatly increased our benevolence towards you! While we wish to testify to this in writing, we are reminded of other examples of charity and foresight that shine brightly during your long episcopate. We are not unaware that you have provided many and very useful things for your Church, such as those virtues which are esteemed among your people, and that grace with which you are held by those who hold public office. Among these are: the new and, moreover, larger cathedral, which was built with care; the seminaries, which have been improved with a view to discipline and the fostering of learning and piety; pious institutions for the Christian education of boys and girls, which have been increased in number or improved; and lay associations, which are being strengthened so that they may better serve the Christian people. We are confident that you will pursue these studies that you have undertaken for the benefit of your Church with even greater zeal, and that you will reap a rich harvest of joyful fruits. In the meantime, we urge you not to neglect those who, from Italy and from almost all of Europe, are drawn there by poverty or the hope of gain. This is not a difficult task, nor are you and your colleagues undeserving of such a work, if, with the help of pious native priests, you will take care that these immigrants, while changing their native soil, do not abandon their native customs; that they do not neglect the duties of religion; that they do not squander their resources in many ways; that they apply themselves to work or commerce in such a way that they do not forget that they are born for eternity, and not for these fleeting things. We pray to God that He may be gracious to your plans and endeavors, and that He may grant you the blessings of heaven, and that He may be a witness to our benevolence.

[*Latin ed. p. 273*]

The Acts of Pope Benedict XV, page 273, impart to you, venerable brother, and to your entire clergy and people, our heartfelt blessing in the Lord. Given in Rome, near the blessed Peter, on the twenty-fourth day of May, in the fifth year of Our pontificate, 1819.

BENEDICT XV, TO THE MOST REVEREND FATHER PAUL REYNAUD, BISHOP OF TITI, APOSTOLIC VICAR OF CEKIAM ORIENTALIS: BECAUSE HE HAS COMPLETED THIRTY-FIVE YEARS OF EPISCOPATE AND FORTY YEARS OF APOSTOLIC MINISTRY, [we offer this].



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Venerable brother, greetings and our apostolic blessing.

We rejoice with you, as those who rejoice in a great harvest, and not a meager one. For those things which you have accomplished, which you will soon complete, namely thirty-five years of episcopate and forty years of apostolic ministry, what do they signify other than the duration of many labors and an abundant harvest of fruits? Vast tracts of land have been cleansed of impure superstition; a great number of people have been added to the Church; seminaries have been founded for young clerics, schools for children to be educated in the Christian faith, temples and chapels for the multitude of the faithful, and many houses for the sick, orphans, and the elderly – these are all so many signs of evangelical charity and monuments of your providence, and, as it were, trophies.

You, indeed, will receive the reward you deserve from Him who gave you the seed to sow and increased the fruits of your justice. For us, considering all these things with a paternal heart, it is a source of joy to congratulate you; it is even more joyful to enroll you among the bishops who stand near the pontifical throne, and, as we constantly do when bestowing blessings, to enrich you with heavenly gifts.

Given in Rome, near the blessed Peter, on the twenty-eighth day of May, in the fifth year of Our pontificate, 1819.

**BENEDICT XV.**

ACTS, Volume XI, number 8. – 4-7-919.

[*Latin ed. p. 274*]

Acta Apostolicae Sedis - Official Commentary X TO THE RIGHT REVEREND JOHN PRASGHL, CANON OF BUDWEIS, MODERATOR OF THE MARIAN CONGREGATION "OF THE QUEEN OF THE APOSTLES": CONGRATULATES HIM ON HIS OUTSTANDING SERVICES TO RELIGION. Beloved son, greetings and apostolic blessing. — In these difficult and trying times, in which we are beset on all sides, not only with matters pertaining to religion but also to the good of the people, those letters which the members of this Marian Congregation, of which you diligently preside, recently sent to Us, have been a singular source of consolation. Indeed, you are aware and understand Our paternal sorrow, arising from the fact that here, in this place, some men of the sacred order, forgetful of the bonds by which they are obligated to God and the Church, do not fear to innovate and strive to compel the clergy to introduce such novelties which, in no way, can be altered. And remembering the day of your sacred ordination, when you chose the Lord as part of your inheritance, and when you promised obedience and due respect to the legitimate authority of the Church, and when you declared yourselves ready and prepared to endure any hardships rather than failing in the



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sanctity of your priestly office, you confirmed your devoted observance and faith in this Apostolic See, which is the center of unity for the Church and the guardian of its sanctity. Indeed, we could not but highly approve of the generous sentiments of your spirit; all the more so because we trust that they are common to the entire Bohemian clergy. For we know well that they have always shone forth in faith and devotion; therefore, we do not doubt that, under the patronage and glory of St. John Nepomuk, a priest of most outstanding fortitude and virtue, they will persevere in their office, despite the temerity of a few. Furthermore, we rejoice in the outstanding services rendered by this Marian Congregation in this matter, and we offer our heartfelt congratulations to the religious men founded by the Most Holy Redeemer. And, since the opportunity is presented, we gladly commend the active and beneficial work which they are carrying out in this diocese, and we pray that, with God's help, their efforts may become increasingly fruitful. As a witness of the heavenly blessings and of Our most benevolent favor, we impart to you, beloved son, and to your members, all Our—

[*Latin ed. p. 275*]

To the most Reverend Fathers and religious men of the Congregation of the Most Holy Redeemer, we impart our most heartfelt apostolic blessing. Given in Rome, near the blessed Peter, on the first of June, 1919, in the fifth year of Our Pontificate. BENEDICT XV.

TO THE MOST REVEREND JAMES OGIER, MODERATOR OF THE ASSOCIATION "FOR THE POPE AND THE CHURCH": WE OFFER GRATITUDE FOR THE PETRIAN STIPEND AND CONGRATULATE THE ASSOCIATION ON ITS GROWTH.

Beloved son, greetings and our apostolic blessing.

Among the sorrows necessarily attached to the supreme office which Almighty God has deigned to impose upon Us, namely, the arduous task of steering the Barque of Peter through stormy seas, Divine Providence never ceases to grant Us spiritual consolations.

Foremost among these are the expressions of piety and charity of the people towards Our Person, as adorned with the dignity of the Vicar of God, and towards the mystical Bride of Jesus Christ, the Holy Church. From this it follows that the Association "For the Pope and the Church" is very dear and welcome to Us, whose principal aim is to draw the entire clergy, and through the clergy, the Christian people, ever more closely to the Church and the Roman Pontiff through bonds of love and devotion.

For this reason, We could not but be greatly pleased when, through you, We were recently informed that this Association, which you diligently direct, is flourishing and growing, even in these times which are, alas, the most calamitous. We expressed Our satisfaction to you in a recent conver-



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sation; and now We wish to confirm it in writing, so that it may be made manifest to all who have given their names to this Society.

Meanwhile, We desire to offer due praise to you and to the other members of the Sacred Order, as well as to the lay members, who work diligently with you to promote and foster this pious Association. We must also acknowledge the feelings of gratitude and benevolence with which We have recently received a most touching demonstration of love and charity, namely, the Petrian Stipend which this Association has generously presented to Us through you.

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis - An Official Commentary. We strive, according to our abilities, to provide assistance to the needs of the Holy See. Therefore, we give thanks to you and to the other benefactors, and we express our heartfelt gratitude, and, with paternal affection, we offer our prayers that this salutary Institution may, with God's help, expand ever more widely, since it seeks to draw peoples to the Vicar of Christ, and in doing so, leads them along the path of truth and life. We, as is already known, not only desire to support your Association with our patronage, but we also wish to contribute to its growth by establishing certain guidelines each year, which will serve as a kind of specific program for the members. Since we have considered the nefarious efforts of certain men, which are aimed primarily at opposing the Pope and the Church, at undermining their rights, at separating peoples from their embrace, and at preventing them, we have deemed it most fitting to earnestly exhort both clerical and lay members to strive, as the year progresses, to observe the statutes and precepts of the Association; for within them are contained the most suitable means for vigorously defending the rights of the Pope and the Church against the machinations of the enemies. And that this exhortation may be more readily heeded with the help of heavenly gifts, we earnestly implore the Giver of all good things to bestow them abundantly upon the Association. As a witness of our paternal charity, we impart to you, dear son, and to all the members, our apostolic blessing, that you may persevere in the Lord. Given in Rome, at Saint Peter's, on the twentieth day of June, in the year 1919, in the fifth year of Our Pontificate. BENEDICT XV, Pope.

[*Latin ed. p. 277*]

Sacred Congregation Consistorial.

## ACTS OF THE HOLY CONGREGATIONS.

### SACRED CONGREGATION CONSISTORIAL.

CIRCULAR TO THE MOST REVEREND ORDINARIES OF ITALY,



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CONCERNING THE NEEDS OF THE CLERGY.

The economic hardships in which the majority of the clergy in ITALY find themselves, and which are becoming increasingly severe day by day due to the high price of everything necessary for life, and the undisputed principle that those who serve at the altar ought to live from the altar, have determined the Holy Father to adopt extraordinary measures that may provide some appropriate relief to such a distressing situation, without prejudice to any further measures that may be established subsequently, when the various proposals that were recently the subject of study by the Ordinaries of ITALY are examined.

In view of these extraordinary needs of the clergy, with these present letters of the Sacred Congregation, His Holiness:

1) advises the individual Ordinaries of ITALY to increase the alms for manual masses to at least three lire;

2) authorizes them to add to this same tax the alms for masses that each one has in the Curia or with themselves, whatever the source from which these aforementioned alms derive, supplementing the Holy See with the lesser number of masses from the *thesauro Ecclesiae* [treasury of the Church];

3) grants all the Ordinaries of ITALY, including the regulars, the faculty to reduce for a period of five years the charges for masses pertaining to legacies and to pious foundations within their jurisdiction, in proportion to the tax established for manual masses above; so that, after deducting what is necessary for sacred vessels, for administration, and for other purposes desired by the founders, the remainder shall be divided for masses according to the established tax;

4) with regard to benefices, both cure and canonical, the masses *pro populo* for the parish priests are to be maintained, both on feast days and on days of suppressed feasts, and the masses *pro benefactoribus* and other masses that burden –

[*Latin ed. p. 278*]

278 Acta Apostolicae Sedis - Commentarium Officiale: Posterioribus temporibus, Ordinarii poterunt, simul per quinque annos, redigere tributum ad summam synodalis supra indicatam, ita tamen ut summa ad solvendam celebrationem missarum non excedat quantitatem summae quae in praeteritum erogabatur, cum eleemosyna minor esset; 5) reductio, de qua in art. 3 et 4, potest incipere ab initio huius anni, si onera adhuc non essent soluta, vel ab media parte huius anni, vel ab initio anni 1920, si onera parte vel toto fuerint soluta; 6) si, propter hanc auctam eleemosinam, intentiones missarum, in aliquibus diocesibus, deficerent, Ordinarii poterunt directe ad Sanctitatem suam appellare, quae optima curabit; 7) cum in multis diocesibus sint beneficia cum reditibus



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superfluis necessitatibus beneficiarii et Ecclesiae, Ordinarii, si credebant id opportunum et possibile, in tali beneficia, quando opportunum fuerit, aliquotam pensionem imponere, ad constituendam fundum vel operam pro clero diocesano, confidenter ad Datariam Apostolicam recurrant, si res sit collationis pontificiae, ad S. C. Concilii, si res sit collationis episcopalis, Sanctus Pater, in consideratione extraordinariarum circumstantiarum temporis, bene disposto ad aequabiliter favorem tales petitiones.

Quod sanctum et salutare est, curare ut clero praehabeatur necessarium ad honestam sustentationem, quia hoc non solum est opus christiana caritatis, sed etiam religionis. Inter populum Hebraeorum, ut omnes sciunt, Dominus ipse lege sua praevidebat ut Levitae haberent unde honeste vivere ministerio suo, et non ad alia se applicarent, sed toto animo Deo se dicarent. Non diversa est et esse debet conditio sacerdotii Christiani, ut clare patet ex Evangelio et litteris Apostolorum. Indigentia sacerdoti impedit ad operandum in campo quod Deus ei assignavit, et coagit ad alibi quaerenda vectura, ad detrimentum sacri officii sui; praeterea, status sacerdotum in angustiis, vocationes alienat vel nascentes suffocat. Et sine vocationibus et sine sacerdotibus, non est cultus, non sunt sacramenta populo Christiano, et religio semper languet. Concurrere ergo ad sublevandum clerum ex angustiis in quibus versatur, est opus religionis Deo acceptum et meritorium. Ordinarii diligent ut hoc omnes homines bonae voluntatis, sacerdotes et saeculares, considerent, ut, in vita vel occasione mortis, inter opera...

[*Latin ed. p. 279*]

The Sacred Congregation Consistorial diligently seeks to provide its Ordinary with the means to attend to the needs of the clergy. Rome, from the Sacred Congregation Consistorial, June 29th, the feast of the Holy Apostles Peter and Paul, 1919.

†B. G. L. CARD. DE LAI, Bishop of Sabina, Secretary.

†S. F. V. SARDI, Archbishop of Cesarea, Assessor.

## PROVISIONS FOR CHURCHES.

By the decrees of the Sacred Congregation Consistorial, the Most Holy Pope Benedict XV has provided for the following churches, namely:

January 24, 1919. — To the metropolitan church of Angelorum, he appointed the Reverend Henry Sánchez Paredes, titular canon and vicarius capitularius of the same archdiocese.

— To the cathedral church of "Sonora," he appointed the Reverend John Navarrette, a priest of the city of "Aguas Calientes."

— To the cathedral church of Tamaulipas, he appointed the Reverend Joseph Guadalupe Ortiz, vicarius generalis of "Suares."



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February 28. — To the cathedral church of "Queretaro," he appointed the Reverend Francis Banegas, vicarius generalis of Verae Crucis.

June 21. — To the cathedral church of Troyes, he appointed the Reverend Fortunatus Farina, canon of the church of Salerno.

III. APPOINTMENT OF ORDINARIES FOR APPEALS, ACCORDING TO CANON 1594, § 2.

According to canon 1594, § 2 of the Code of Canon Law, for appeals:

The Archbishop of Mexico has designated the Ordinary of Angelorum.

The Bishop of Vienna has designated the Ordinary of Salzburg.

The Bishop of New Orleans has designated the Ordinary of Oklahoma City.

The Bishop of Sens has designated the Ordinary of Troyes.

The Bishop of Evora has designated the Ordinary of Lisbon.

The Bishop of Iglesias has designated the Ordinary of Ecclesiensem.

The Bishop of Ravenna has designated the Ordinary of Rimini.

The Bishop of Guadalajara has designated the Ordinary of "Zacatecas."

These designations have been approved by the Most Holy Pope Benedict XV.

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis - Official Commentary. DESIGNATION OF ORDINARIANS FOR THE APPELLATION OF BISHOPS IMMEDIATELY SUBJECT TO THE HOLY SEE. By virtue of canon 1594 of the Code of Canon Law and Article V of the decree of the Provincial Councils issued by the Most Holy Congregational Consistory on February 15, 1919, concerning the election of the court of second instance: The Most Reverend Monsignor Adolfus Turchi, Archbishop of Aquila, designated the Ordinary of Theatinum. The Most Reverend Monsignor Ioseph Angelucci, Bishop of Civitas Plebis, designated the Ordinary of Perusinum. The Most Reverend Monsignor Franciscus M. Berti, Bishop of Ameria, designated the Ordinary of Spoleto. The Most Reverend Monsignor Alphonsus Andreoli, Bishop of Recanati and Loreto, designated the Ordinary of Anconitanum. These designations were benignly approved by His Holiness Pope Benedict XV. In Rome, from the offices of the Sacred Congregation, on June 27, 1919. SACRED CONGREGATION OF THE COUNCIL OF MELPHICTEN. BOOK OF CONFIRMATIONS. On February 8, 1919, in the diocese of Melphicten, which consists almost entirely of the city itself, a single Book of Confirmations has been kept for many centuries for the entire diocese, which is compiled and guarded by the Cathedral Sacristan Canon, to whom, consequently, the exclusive right belongs to extract from the aforementioned book certificates of the reception of Confirmation when they are required, especially for marriages, and to receive from the poor a small fee for this



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purpose, according to diocesan law. - Not many. FACTS.

[*Latin ed. p. 281*]

8. The Congregation of Councils, 281 months ago, as the day approached when the Code of Canon Law would everywhere take effect, the Vicar Capitular of the aforementioned diocese, with the see vacant, in order to prepare for the proper observance of canons 470 and 798 concerning parish books, issued a decree on May 14, 1918, which, among other things, stated: "The Sacristan Canon, after having recorded, in accordance with canon 798, the fact of the conferral of the Sacrament of Confirmation in the book of the confirmed, must, within no more than three days, notify the Parish Priest where the book of the baptized is kept, so that he may make the corresponding notation (cf. canon 470, § 2), and request a response, as is the practice in this diocese for the notification of marriages." The present Sacristan Canon immediately filed an appeal with the Most Holy Congregation, claiming that the aforementioned decree unjustly violated his privilege, which had been acquired for his stall two centuries ago, contrary to canon 4 of the Code; indeed, he claimed that a grave detriment had been imposed upon him, not only because of the complete cessation of future emoluments, since it would no longer be necessary to extract attestations from a single book, but also because of the considerable expenses that would be incurred in order to comply with the decree. Considering these circumstances, he indicated that, in the event that the decree were to be upheld, his intention was to completely renounce the preparation and custody of the Book of Confirmations in favor of the Chapter. Conversely, the Chapter, having been consulted according to custom, in a deliberation on July 13 of the following year, completely rejected this potential renunciation in its favor, and considered that, if the matter had come to this, it would be better to abolish the privilege and revert to the common law, as stated in canon 470, § 1, namely that the book of the confirmed, just like the books of baptisms, marriages, and the deceased, must be kept by each parish. The Sacristan Canon, who was far from agreeing with this deliberation, and insisted more strongly that the decree of the Vicar Capitular be completely annulled, presented the case to the Most Holy Fathers, under the following question: Whether and how the decree of the Vicar Capitular of May 14, 1918, can be maintained in this case. The Sacristan Canon, in his appeal, maintained that the aforementioned decree had been unjustly removed (and indeed, with the see vacant, contrary to the prohibition of canon 436) from his peaceful possession of his right or privilege, which consists of three things: a) the right to assist the Bishop in publicly conferring the Sacrament of Confirmation; b) the exclusive right to keep the book of the confirmed for the entire diocese; c) the right to extract portions or attestations from that book, with the collection of emoluments. All of these things, it must be conceded, are clearly established by the documents



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presented. However, concerning the first point, it is proven either by the title of the Book of Confirmations, which has been inscribed since 1716: "Liber Confirmationis sub praesule..."

## SYNOPSIS DISCEPTATIONIS.

[*Latin ed. p. 282*]

282 Acta Apostolicae Sedis - Official Commentary: "To the Most Reverend... with the assistance of the Reverend... Sacristan," there is no doubt that the Vicarius Capitularis, in this matter, did not intend to derogate from his decree in any way, although it does not clearly appear that the right to assist is a private or exclusive prerogative of the Canonical Sacristan.

However, concerning the other, or rather, the principal right, namely, the right truly granted by law to hold a single book of Confirmations for the entire diocese, instead of the parish priests, the Canon must defend this right, not against the Vicarius Capitularis, who, by his decree, explicitly presupposed and preserved this ancient diocesan practice, seeking to reconcile it with the prescriptions of the new canons, but rather against the Chapter, which, in its deliberation, deemed it more appropriate in this case to apply the common law of canon 470, § 1. It must be admitted that, if the matter is considered merely theoretically, it may seem that the practice of Melpht is still in effect, since it is not revoked by the newly promulgated Code, and therefore can still be maintained. If, however, we consider whether the right in question belongs to the Chapter, or to the Sacristan in the name of the Chapter, it is preserved by canon 4; if, however, it is a custom that has been in force for two centuries or more, canon 5 applies; and finally, if, as seems more correct, it is considered a diocesan law and statute (for in the Synodal Constitutions of Bishop Loffredi, from the year 1673, chapter XXII, it is written: "In our cathedral church, in which "this sacrament is usually administered," a book of Confirmations shall be prepared"), it may indeed seem to have been abrogated at first glance by canon 6, insofar as it is "contrary to the prescriptions of this Code"; but, carefully considered, it must be noted that this practice is opposed only to a secondary prescription of canon 470, and not to the law itself: for the principal object of the law, in this case, is to have a book of Confirmations; the secondary object is that it be held by the parish priests; but in Melpht, a book of Confirmations is held, although it is one for the entire diocese, in the cathedral. But an opposition to a common right, when it falls upon what is secondary, provided the principal object of the law is preserved, does not seem to carry with it the abrogation of the practice.

However, theoretically: in practice, two things must be considered. The first is that, while the Chapter believes and desires that the common law be applied, it does not seem that the Canonical Sacristan has the right to



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obstruct, since he is not denying something that belongs to him, but rather something that belongs to the Chapter; indeed, the Canon has no means of bringing a complaint against the Chapter without the Chapter itself. Furthermore, from the records, we learn (as has already been shown, for example, from the aforementioned words of the Synodal Constitutions of 1678) that the care and responsibility for preparing the book was entrusted to the Chapter, or to the "Cathedral Church," and that the diligence or ministry of the Canonical Sacristan was subsequently added to this. This is only because, from the year 1684, the books of Confirmations (beginning from the year 1614) mention the Canonical Sacristan, whose dignity was established as the fifth in order.

[*Latin ed. p. 283*]

S. Congregation of the Council, 283, in the year 1596. Furthermore, it is sufficiently demonstrated that the matter does not pertain to the Sacristan by reason of his own office, but only by a free, albeit customary, election of the Chapter; hence, because the compilation and custody of the books of Confirmations are of interest to the common good of the diocese, which the Chapter can, in some way, oversee, but not the Canon, who is the Sacristan; and also because it is more fitting for the Sacristan of Alet that the books be kept in his charge, since it is easily apparent that the books themselves should be kept in the Cathedral, and no better or more properly than in the Sacristy and under the care of the Canon assigned to that office. Therefore, since the matter is a matter of the Chapter, it is scarcely understood how the Canon, who is the Sacristan, could have a cause to appeal independently of the Chapter, and contrary to its will and deliberation. Another practical consideration is suggested by the third complaint of the appealing Canon, where he laments that he is already burdened by the decree of the Capitular Vicar, with new obligations, namely, to prepare an authentic copy for the Curia, according to canon 470, § 3, and to announce to the parish priests the reception of the Confirmation for the purpose of making an annotation in the baptismal registers, according to canon 798; from which it also follows that he is deprived of the right to extract attestations from the book and to receive emoluments for them. However, with regard to these complaints, he makes them in vain against the decree, which are rather contrary to the Code. For indeed, the right to extract portions from the book follows the right to hold the book, and cannot be separated from it. Therefore, since the decree of the Capitular Vicar presupposes and preserves in the Canon, who is the Sacristan, the right to hold the book, it also preserves for him the right to extract attestations. And if, in the future, requests for portions of the book should become rare, or even nonexistent, because the received Confirmation is already noted in the baptismal registers held by each parish priest, this will not change the right, but only the exercise and the consequent utility of the right. The new prescriptions which diminish



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this exercise and the consequent utility are not at the discretion of the Capitular Vicar, but are derived from the law itself, newly given. And if the Canon, who is the Sacristan, contends that his possession is disturbed by these new prescriptions, he should have said and proven that his own right or privilege consists not only in those three things mentioned above, but also in an exemption from the new law; which is impossible, precisely because the law is new. If, indeed, these had been prescriptions from ancient law and regularly carried out by the parish priests, the omission by the Canon of Molfetta would have taken on the nature of a certain exemption; but since, without any doubt, they are new prescriptions, introduced for the common good by the Code newly given, any disturbance of the right or possession is by no means to be said: otherwise, such things would be for all parish priests throughout the entire world.

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis - Official Commentary. Since, therefore, an exemption from the new regulations cannot even be conceived, and since, as the recurring Canon diligently argues, the right pertaining to him (more accurately, to the Cathedral Chapter) according to ancient practice, now lacks any benefit whatsoever, but rather turns into a considerable detriment, due to the expenses incurred, it follows that the ancient practice, which we saw could theoretically be maintained after the promulgation of the Code, must not be put into practice, unless the common good requires it. For it is fitting that no one should be burdened unwillingly, unless there is some corresponding and adequate compensation. However, at present, the benefits which formerly compensated for the ancient burden of the Sacristan seem to have ceased, while the burden itself has become heavier. Furthermore, the public utility which appeared easy to achieve, once established by practice, formed a single parish within the diocese (thus it remained until the year 1663), but now, with the increase in the number of parishes, it seems less evident. Indeed, whether it concerns confirmed individuals residing in the same parish in which they were baptized (which case will be more frequent), or whether the parish of baptism differs from the parish of residence, the necessary intervention of the Canon Sacristan is superfluous among the pastors, and even more so with regard to the same pastor. Having considered all these matters, it seems advisable that, with the ancient practice abolished, the common law of the Code should also apply to the diocese of Molfetta in the matter under consideration.

RESOLUTION. - In the plenary session of February 8, 1919, the Most Reverend and Illustrious Fathers of the Sacred Congregation judged that an answer should be given to the proposed question: The appeal should be rejected, and, after careful deliberation issued by the Chapter on July 14, 1918, the common law should be applied.

Having made the above observations, the Most Holy Lord N. Benedict,



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Divine Providence, P. P. XV, received a report through the undersigned Secretary of the Sacred Congregation, and, in an audience on the 9th of the following month, His Holiness deigned to approve and confirm the given resolution.

I. MORÍ, Secretary.

[*Latin ed. p. 285*]

The Congregation of Propaganda Fide issues the following decree:

The jurisdiction of the Apostolic Delegate for Australasia has, until now, not extended to the remote and difficult island missions of Oceania. Consequently, these missions have, up to this time, not benefited from the establishment of the aforementioned Apostolic Delegation.

In order that, in the future, these numerous and weighty needs and difficulties of the missions may be provided for with the help and counsel of the Apostolic Delegate for Australasia, and in consideration of the actions of the Apostolic Delegate himself, or of the requests of certain prelates from the island missions of Oceania, this matter having been recently presented to this Holy Congregation for the propagation of the Christian name, it seemed fitting to request that the Most Holy Pope extend the jurisdiction of the Apostolic Delegate for Australasia, which, until now, has been restricted to Australia proper and the missions of New Zealand, to include all missions throughout Oceania, as well as those that are established or will be established on the islands of Malesia.

This petition was humbly presented to His Holiness Pope Benedict, by the divine Providence, the Fifteenth, in an audience on the fifteenth day of the month of May, and His Holiness, with paternal benevolence, deigned to receive it, approved the proposed plan, and declared it to be valid, ordering that the Apostolic Delegation for Australasia be extended to the aforementioned missions of Oceania and Malesia. And, with this understanding, a decree was ordered to be drawn up.

Given at Rome, from the offices of the Holy Congregation of Propaganda Fide, on the twentieth day of May, in the year of Our Lord 1919.

G. M. CARD. VAN ROSSUM, Prefect.

C. Laurenti, Secretary.

[*Latin ed. p. 286*]

Acta Apostolicae Sedis - Official Commentary

## SACRED CONGREGATION FOR RITUALS, BERGAMO.

## DECREE OF BEATIFICATION AND CANONIZATION

OF THE SERVANT OF GOD, PAUL ELISABETH IN THE WORLD



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CONSTANCE CERIOLI, WIDOW BUZECCHI-TASSIS, FOUNDRESS AND FIRST GENERAL SUPERIOR OF THE INSTITUTE OF THE SISTERS OF THE HOLY FAMILY.

Among the new Institutes, which foster and encompass domestic and civil society with the spirit of religion and various works of charity, that which, in the diocese of Bergamo, was established around the year 1855, and which was approved by the Apostolic See on December 18, 1901, for the instruction of boys and girls of both sexes in good morals and in the art of agriculture, is called the Sisters of the Holy Family. This religious Society joyfully recognizes Sister Paul Elizabeth, in the world Constance Cerioli, widow Buzecchi-Tassis, as its foundress, and follows her, the first General Superior, with singular affection. This Handmaid of God, undertaking to establish her religious family, proposed the Holy Family of Nazareth as a perfect and effective example for herself and for her Sisters. And, in these latter times, the Supreme Pontiff Leo XIII, of blessed memory, wished to impress upon every assembly and society of the human family the importance and benefit of this, and he provided for it through Apostolic Letters, *Neminem fugit*, dated June 14 and 20, 1892, by which he, with his supreme authority, established the Pious Universal Association of the Holy Family of Nazareth, and endowed it with special laws, privileges, and indulgences for all its members.

But, as is customary, something should be noted concerning the life of the Servant of God. From the Bergamese Informative Process, it is clearly established that she was born in the town of Soncino, in the diocese of Cremona, of noble and pious parents, Francis Cerioli and Francisca Corniani, on January 28, 1816, and was given the name Constance at the sacred font. From her tender years, she showed herself to be of the best character and very inclined to virtue, especially obedience, charity, and religion. Admitted to the sacred choir at an early age, whenever she approached it, she prepared herself with a particular devotion to mortification and solitude. For decades, she lived among nuns.

[*Latin ed. p. 287*]

The Salesian Congregation was granted a visitation, so that they might be educated according to proper instruction; and having happily completed this, at the age of about eighteen years, she returned to her father's house, having been instructed in studies and good arts, and was greatly desired by her parents and pupils, and she brought with her the beginnings of a religious vocation. Like a dove emerging from a mystical ark, she behaved in the world and among domestic walls in such a way that she touched nothing impure, and at the same time, through the custody of her senses, the fervor of prayer, and the frequent reception of the sacraments, she preserved the integrity of her life. When marriage was proposed to her, and she was about to enter into a union with a noble



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gentleman, the Lord Buzecchi, heir to the Counts of Tàssis of Gomonte, the pious young woman, aspiring to better graces, first resisted. However, after repeated counsel from her parents, she humbly and generously yielded, and, recognizing the divine will in this, she declared herself ready to undertake the sacrifices, rather than the pleasures, of a new state. In the marriage, which was duly celebrated on February 20, 1835, Constantia, according to the precepts and admonitions of the Apostle Paul, was subject to and obedient to her husband, and she constantly loved and respected him, even in matters that were less agreeable and pleasant to her. Moreover, she diligently cared for him, who was suffering from a delicate health, being gentle, patient, and attentive, and she lived with him in perfect harmony for about twenty years. As an excellent mistress of the house, vigilant, sweet, and prudent, she encouraged her servants to be, as the Apostle warns, "servants of Christ, doing the will of God from the heart, serving willingly, as to the Lord and not to men, knowing that whatever each one does who serves well, this he will receive from the Lord." Of the three children that God granted to her, Charles, born on January 16, 1838, and the only one who survived, she loved with the love of a Christian mother, and she educated him in the discipline and correction of the Lord; and when he was a young man and suitable for higher studies, she entrusted him to the directors of the College of St. Alexander in Bergamo. Having completed his studies with distinction, at the age of sixteen, Charles converted his mother's joy into bitter sorrow. For, having been struck by a fatal illness, and having piously received the sacraments of the Church, he surrendered his spirit to God in the arms of his mother, on January 16, 1854. This grieving mother often recalled the last words of her dying son: "Console yourself, mother, because you will have others as sons to support with your resources." A few months later, her husband, reduced to the extreme by a grave and prolonged illness, and strengthened by the sacraments, breathed his last under the care of his beloved wife, in the same year, on Christmas Day. Thus, Constantia, freed from the duties of wife and mother, while constantly offering prayers to God for her deceased loved ones, lived a chaste and beneficial widowhood, spending her resources to help the poor and needy orphans. As she advanced in years, in wealth and in life...

[*Latin ed. p. 288*]

Indeed, she was courted for marriage, even by a noble and distinguished man, but she prudently refused these proposals, in order to dedicate herself entirely to divine service. In truth, with the consent of Joseph Agnese, the parish priest of Comonte, and the Bishop of Bergamo, Speranza, the Servant of God began to receive several poor and rural orphans into her palace, to clothe, feed, and educate them; and, as their number increased, she enlisted young women of proven virtue as helpers, and expanded and



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strengthened this work for orphans, both within the palace and in another establishment, an Oratory for girls. Thus, the Institute of the Sacred Family was founded, with rules dictated by the Founder and approved by Bishop Speranza, on November 1st, in the year 1856, on the feast of All Saints. In the following year, on December 8th, on the feast of the Immaculate Conception of the Blessed Virgin Mary, all the Sisters put on the religious habit, blessed by the Bishop himself; and Constance, who wished to be called Sister Paula Elizabeth, along with the others, took the vows of perpetual chastity, poverty, and obedience, adding to these a fourth vow to do all things for the greater glory of God. The Servant of God established this end for the Institute, for herself and for her religious Sisters, and for the orphans, whom Saint Joseph calls daughters, and for the girls: love and imitation of the Holy Family of Nazareth. Under her guidance, the fame of the Institute grew, and it expanded, and new houses were opened in the towns of Sommo, Leffe, and other places. Furthermore, with the spirit and purpose of her vocation, and with urgent Christian charity, after overcoming various difficulties, through the counsel and work of the Superiors, and through her own constancy and prayer, on November 4th, in the year 1863, she opened the first house, near the village of Villa Campagna, belonging to Soncino, for the education of orphans and abandoned children in the fear of God and in agricultural pursuits. She entrusted the direction of this house to John Capponi, a young man of honest and religious character, and who, by common estimation, was suitable for the task, who fully met the expectations and confidence of the Superiors, and who also worked with priests and deacons of the Sacred Family. The Institute, thus formed, continued to progress more and more, and it is said to have consistently received the favor, praise, and approval of ecclesiastical and civil authorities. Meanwhile, the Servant of God, perfecting herself through the practice of virtue and works of charity, lived a life hidden in Christ, with humble simplicity; and she wrote and imparted rules, exhortations, and admonitions to the Sisters, the orphans, and the girls, as a lasting and perpetual pledge and memory of her love and concern. The heart ailment from which she suffered worsened, and on the evening of December 24th, in the year 1865, after having made her sacramental confession and, together with the Sisters, was to receive Holy Communion the following day, she was unexpectedly taken from this life.

[*Latin ed. p. 289*]

The Holy Congregation of Rites, afflicted by a grave illness, passed away in the same year, on the very eve of the Nativity of Our Lord. The remains of the Servant of God were exposed to all, so that the fervent desires of the thronging faithful might be satisfied, and, after the solemn funeral rites were duly performed, they were placed in the chapel of the Piccinelli family, in Seriate. However, on November 28th of the year 1885, they were



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duly exhumed and transferred to the town of Qomonte, where they now rest in the house of the Institute. The reputation for holiness, with which the Servant of God shone while living, became even more renowned after her death, prompting the ecclesiastical court of Bergamo to initiate an informative process concerning her. Once this process was begun and completed, the necessary and appropriate documents for introducing the cause were prepared and submitted to the Sacred Congregation of Rites. And when everything was ready, at the urgent request of the Most Reverend Lord John Biasiotti, a cleric and Prelate of the Reverend Apostolic Chamber, and the promoter of this cause, and through attentive letters from certain Eminences of the Holy Roman Church, from numerous Archbishops and Bishops, as well as from Chapters, Orders, and religious Congregations, and from illustrious men and women, the Most Eminent and Reverend Lord Cardinal Januarius Granito Pignatelli di Belmonte, Bishop of Albano Laziale and the Promoter of this cause, convened a meeting of the Ordinary members of the Sacred Congregation of Rites, which was held on a date indicated for the Vatican, and proposed the following question for discussion: Should a Commission be appointed for the introduction of the cause, in this case and for this purpose? And the Eminent and Reverend Fathers, who are in charge of safeguarding the sacred rites, after hearing the report of the aforementioned Promoter, and after hearing the voice and written opinion of the Reverend Father Angelo Mariani, the General Promoter of the Faith, and after carefully considering everything, decided to write: "A Commission should be appointed for the introduction of the cause, if it pleases the Most Holy." On May 13th of the year 1919. Subsequently, a report on these matters was presented to our Most Holy Lord Pope Benedict XV by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, and His Holiness, approving the decree of the same Sacred Congregation, deigned to personally sign the Commission for the introduction of the cause of beatification and canonization of the Servant of God, Paula Elizabeth, in the world Constantia Cerioli, widow of Buzecchi Tassis, Foundress and first General Superior of the Institute of the Sisters of the Sacred Family, on the 14th day of the same month and year.

[Signature:] A. CARD. VICO, Prefect of the Portuense and Rufinense Congregations, Prefect of the Sacred Congregation of Rites.

L. >R S. Alexander

ACTA, vol. XI, n. 8. — 4-7-1919. Verde, Secretary.

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[*Latin ed. p. 290*]

290 Acta Apostólicas Sedis - Official Commentary

**ACTS OF THE SACRED ROTAL TRIBUNAL OF ROME,**



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## THE NEAPOLITAN TRIBUNAL OF NULLITY OF MARRIAGE

## (DE ANGELIS-COSTA)

During the happy reign of Pope Benedict XV, in the fourth year of his pontificate, on November 15, 1913, the Most Holy Father, with the assistance of the Most Reverend Fathers, John Prior, Ponens, Aloysius Sincero, and Frederick Cattani Amadori, Auditors of the turn, in the Neapolitan cause concerning the nullity of the marriage between Raphaela De Angelis, represented by her legitimate procurator, the advocate Thomas Ambrosetti, and Thomas Costa, with the Reverend Substitute Defender of the Bond acting in the cause, rendered the following definitive sentence on appeal.

Ambrose De Angelis, residing in Casali, a principality in the diocese of Aversana, was intimately acquainted and friendly with the physician Thomas Costa, who had cared for him in a Neapolitan hospital while he was suffering from a serious wound. Furthermore, desiring to marry his daughter, Raphaela, the sole heir to a considerable paternal inheritance, he promised the young woman, without her consent, to give her to him in marriage. However, Raphaela, whether because she was already in love with another young man, or because she was repulsed by the physician's addiction to unclean diseases, or finally, because she detested the very person of the man, refused to comply with her father's wishes. Nevertheless, the girl's prayers, tears, and protests had no effect on her stern father, nor did threats or enticements succeed in swaying her will. Eventually, he led her, with a heavy heart, to the altar, where, in the family home on August 7, 1909, before the parish priest, the marriage was celebrated.

During the wedding festivities, Raphaela manifested her aversion to her newly united husband in various ways and refused to fulfill her conjugal duties. Consequently, on the third day, the couple abruptly departed, and the husband went to the conjugal home prepared in Naples. The marriage was consummated only by force, and scarcely three months after the beginning of the marriage, during which frequent disagreements erupted between the spouses, Raphaela definitively abandoned her husband and, accompanied by a servant, went to...

[*Latin ed. p. 291*]

The Roman Rota received case number 291 concerning a daughter. Since no hope existed for reconciling the spouses, the woman, born and residing in Switzerland, petitioned the court of Geneva for a civil divorce, which she obtained. This judgment, regarding civil effects, was confirmed by a lay judge in Naples. Subsequently, on April 28, 1916, she petitioned the Neapolitan court to declare her marriage null and void due to duress and fear, and on January 21, 1918, she received a favorable judgment. However, the Defender of the Bond appealed to the Holy See, and the case was pre-



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sented to us for judgment under the question: Whether, in this case, the marriage is indeed null.

It is helpful to briefly reiterate the principles of law concerning impediments arising from duress and fear, which have been more extensively explained in numerous decisions of the Holy See. Grave fear, externally and unjustly inflicted in order to extort matrimonial consent, renders such consent invalid and null. And reverential fear is to be considered grave whenever it is accompanied by threats, whether by words, or by insistent and importunate prayers.

In the present case, all the elements of grave fear are found, according to the unanimous testimony of all witnesses, without any contradiction, whether those presented by the plaintiff or those called to testify by order of the court. Specifically, Raphaela De Angelis, from the beginning to the end, maintained her opposition to the marriage. The girl was forced to consent to the proposed marriage solely by the authority of her father, a man of severe and stubborn character, who attempted to overcome his daughter's resistance through threats and beatings. As the mother of the plaintiff recounted: "My daughter, raised in the Christian faith, saw that 'Costa' did not care about religion, and indeed, in various conversations held at home, he boasted of not believing in anything and said that he was an atheist and a materialist. Furthermore, my daughter said that she did not want to marry a doctor, because she was disgusted by them, and even before the proposal of this marriage, I remember that in domestic conversations, she always said that she would never marry a doctor, because she loathed them. Finally, I know that my daughter had received a marriage proposal from another young man, also from Casal di Principe, whom I would have liked, but her father did not want to accept him at all, because he was 14 years older than my daughter, and he opposed it absolutely, and it was never possible to dissuade him from his decision. ... The events leading up to this marriage were a continuous rebellion of my daughter against her father and the impositions made by him. My daughter constantly wept with me, telling me that she would absolutely not marry 'Costa,' and that if her father insisted, she would..."

[*Latin ed. p. 293*]

The Roman Rota states: "I will never marry Costa, unless I endure the beatings of my 'father,' as I have already mentioned. My husband, moreover, was of a firm and autocratic character; when he said something, he wanted to be obeyed at all costs, and he did not permit even the slightest objection to what he imposed." Similarly, Anthony Tortora, Gerard Fischetti, Francis Blanco, Vincent Borrato, Joseph and Nicholas Dello Jacono, and several others testify. Nevertheless, despite the paternal coercion, the daughter's resistance persisted until the day of the wedding, when, on that very day, shortly before the celebration of the marriage, she declared to her



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mother that she did not wish to accept the marriage that was displeasing to her. Thus, the mother herself recounts: "On the morning of the wedding celebration, while everything was prepared for the nuptial blessing, my daughter resisted before me and my maid, Giuseppina Dello Jacono, the sister of our seamstress, to the point of weeping, and said: 'I will cause a scandal before the priest, because I do not want to marry Costa.'" They took her gently to dress her in the wedding clothes, but she delayed and did not want to dress, until, when friends, the groom, the priest, and the mayor arrived, my husband entered the bedroom and forced the daughter to hurry, and he did not leave until she was fully dressed; he told her to close her eyes, not to let anyone understand what she had in her heart, and, threatening her, he took her by the arm and led her into the room prepared for the wedding celebration." The maid Dello Jacono confirms this declaration of the actress's mother in every respect. Finally, almost all the witnesses who were present at the wedding celebration report on the abnormal sadness of the bride, so that she seemed to be going to a funeral or to the gallows rather than to a wedding. "The impression I had," says A. Tortora, "was of a woman being led to the slaughter." And G. Fischetti: "The ceremony... instead of being a wedding celebration, seemed like a funeral, given the behavior of the bride." Francis Paschale and Expositus Paschale reported the impression that the bride, instead of going to a wedding, appeared to be going to the gallows. Furthermore, the circumstances following the marriage reveal the woman's aversion to marriage: the wedding journey, for example, was abruptly interrupted due to unexpected disagreements between the spouses; the marital debt was refused by the bride, as the spouses affirm, and the mother of the actress also said to them at a time when they were not suspect; frequent quarrels occurred between the spouses, and finally, after three months of married life, the bride fled, and she never wished to return to the marital home.

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis - Official Commentary. Having considered all matters, both in law and in fact, the undersigned Auditors from Tournon, sitting for the Tribunal and with only God before their eyes, invoking the name of Christ, we decree, declare, and definitively pronounce judgment on the proposed question: Affirmative, that is to say, that the marriage is null in the case in question; furthermore, we order that the actress, Raphaela De Angelis, be held responsible for the payment of judicial expenses. Thus we pronounce, commanding the Ordinaries of the places and the officials of the tribunals to whom this pertains, that they enforce this our definitive judgment, and against those who resist, they proceed according to the sacred canons, and especially chapter 3, session 25, of the Council of Trent ("De ref."), employing those executive and coercive means which shall prove most suitable and effective for the



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circumstances. In Rome, in the Seat of the Tribunal of the Sacred Roman Rota, on the 15th of November, 1918. Ioannes Prior, Presiding. Aloysius Sincero. Fridericus Cattani Amadori. L. % S. From the Chancery of the Sacred Roman Rota. Tani, Notary.

[*Latin ed. p. 295*]

The Supreme Tribunal of the Apostolic Signatura, 295.

## SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURA.

ADERBORN.

## NULLITY OF MARRIAGE (DE LAFFERT-BARTELS).

In the plenary session of the Supreme Tribunal held at the Vatican on May 10, 1919, the appeal of the Lady Olga De Laffert was presented for examination, against the sentence pronounced by the Sacred Roman Rota in the aforementioned case, on July 27, 1917, in order to obtain the nullity of said sentence.

The Relator was the Most Reverend and Most Reverend Cardinal Donato Sbarretti, who proposed the following questions:

1) Is the aforementioned Rotal sentence valid in this case and according to the law?

To which the Most Reverend Fathers responded: The question is referred to the place from which it came, with a negative response.

2) Should a restitution in integrum be extended to the Roman Rota for a new examination of the case?

The Supreme Tribunal, after deliberation, decided that the aforementioned expenses should be borne by the plaintiff.

Therefore, the decision is as follows:

On April 14, 1899, in Castello Lhesen, near Wittemburg, Charles Bartels and the Baroness Olga von Laffert, both adherents to the Lutheran-Evangelical faith, entered into marriage before a non-Catholic minister.

After the marriage, there were not infrequent disagreements and quarrels between the spouses; and although two children were born, the woman did not hesitate to abandon her husband in 1907.

The man tried in vain to persuade her to return, even resorting to legal means, but the woman did not relent.

Consequently, the man sought a divorce sentence from the civil court of Bielefeld, which was actually pronounced against the woman: "The defendant is declared guilty, on the day of March in the year 1909."

Following this, Olga entered into a civil marriage with the Catholic



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Baron Adulpho von Spiegel.

[*Latin ed. p. 296*]

296 Acta Apostolicae Sedis - Commentarium Officiale. Tamen, id visum est necessarium ut novis coniugibus legitimum inter se matrimonium inciatur. Sed prius, vinculum dissolvere oportebat. Et mulier, nulla mora interposita, ad hoc, tribunalem Ordinarii Curiae Paderbornensis, iudicium provocavit, ex capite vis et metus. Sed vix ab initiis haec actio, a Olga ducta, fortasse temeraria visa fuit, ita ut et instantia et informationes praeviae in archivio Curiae sepultae remanserint, cum ex causae actis nihil resultet. Quadriennio post, anno 1913, baronissa von Laffert rescivit sui primi coniugii nullitatem peti posse ex alio titulo, scilicet ex defectu consensus, cum ipsa asserat quando Carolo nupsit consensum dedisse cum conditione contra bonum Sacramenti, i. e. foedandi per divortium matrimonium. Quod et fecit. At spe frustrata est; nam, discussa causa apud Curiam episcopalem Paderbornen, die 5 augusti 1914 sententia lata est favore vinculi, sub his verbis: "Vien dichiarato come giusto che il matrimonio concluso il 14 aprile 1899 tra Carlo Bartels ed Olga di Laffert non può essere considerato come invalido." Ab hac sententia appellavit mulier ad S. Romanae Rotae Tribunal, in quo disceptata causa fuit, etiam cum suppletiva actorum inquisitione. Sed tandem, die 1 Iulii 1907, etiam S. Rotae Auditorium sententiam dedit vinculo favorem, dixitque: "Non constare de matrimonii nullitate." Die vero 26 Novembris 1917 pro parte actricis recursus datus est penes Supremum hoc Signaturae Apostolicae Tribunal, ut Rotalis sententia nulla vel circumscripta declararetur, aut, sin minus, beneficium impertiretur restitutionis in integrum, ex eo quod violata lex fuerit factumque perversum. Itaque, constituto Vinculi defensore, eiusque habitis animadversionibus, die 10 Maii 1919, causa, referente Emo. P. D. Donato Card. Sbarretti, in plenaria Sessione Emorum Patrum H. S. T. pertractata est, et decisio prodiit: "Quaestio remittatur ad S. B. Rotam pro novo examine; et extendatur decisio." Quamvis in iudicando de re agatur acta et deducta ante novi Codicis promulgationem, seu eo nondum vigente, iuramenta praesentem quaestionem regulantes cum novi Codicis dispositionibus concordant. Eminentissimi Patres itaque imprimis animadverterunt quod sententia rotalis impugnata non laboret vitio nullitatis insanabili, de quo in can. 1892 novi Codicis, neque vitio sanabili, de quo in can. 1894, quae iudicis iurisdictionem vel processus formam aut sententiae requisita respiciunt. Non defuit enim citatio, neque mandamus, neque iurisdictio.

[*Latin ed. p. 297*]

The Supreme Sacred Apostolic Tribunal was present as the defender of the bond (can. 1586, 1967*sq.), and the judgment, along with its reasons for the decision, was duly signed, with the prescribed indications, as stated



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in can. 1873 sq. The law concerning appeals does not address these matters. Furthermore, it is asserted that a law was violated, which, according to the opinion of the Sacred Penitentiary Tribunal, would not render any judgment valid, for, as a general rule, whatever is done contrary to the law has no validity (c. 8, De sent. et re ind., Reg. 64 Iur., in 6°). Moreover, according to the appeal presented to the Sacred Penitentiary Tribunal, the law that was allegedly violated is the provision of law which states that, in matrimonial cases, "relatives and affine are considered competent witnesses in cases of *'their close relatives'* (Instruction with Glossary, Sacred Congregation of the Council, dated August 22, 1840; can. 1974 of the new Code). However, in this matter, the Fathers of the Sacred Penitentiary Tribunal judged that the judgment did not violate the law, because not only did the Sacred Roman Rota consider the relatives and affine of the actress to be competent witnesses, whom the judge in Paderborn had summoned, but it also ordered that their testimony be heard. Therefore, the alleged violation of the law in this case was not at all present, or the judgment rendered was not contrary to the law of the Constitution.

Regarding the other reason for nullity, namely, the perversion of facts; if the judges of the Rota had done this, the judgment rendered would certainly be limited, because whenever a judgment is rendered based on a substantial error, arising from a perversion of facts, it is the same as if it were rendered based on corrupted documents, or on false testimonies (cap. 1 and 9 de sent. et re iud.; Lega, De Iudic, par. I: n. 700; Santi-Leitner, Proel. Iur. Can., lib. II, tit. XXVII, n. 15; Pirhing, h. t., n. XLIII). "Indeed, the term 'perversion' [of facts] can certainly not refer to any error that may occur in the understanding or evaluation of facts by lower judges, but it signifies only that genuine corruption of facts which has completely led the mind of the judges away from the truth when rendering the judgment" (Sacred Penitentiary Tribunal, In una Salutiarum, concerning the validity or nullity of a judgment of the Rota, May 13, 1916). Regarding which, the Sacred Penitentiary Tribunal explicitly declared its competence to examine appeals presented against judgments of the Rota, which accused them of perverting the truth of the facts (Chirograph of Benedict XV, June 28, 1915). The appeal states that the judges of the Rota are to be considered guilty of perverting the facts and violating the law, because they deemed the testimonies of witnesses, given in favor of the actress, to be suspicious, solely on the basis of their kinship, or friendship, or religion, and not on the basis of a juridical and reasonable exception: "The judgment of the Rota, after excluding as unsuitable those witnesses who knew of the intention to seek a divorce after the marriage, and therefore all those who knew of it before, and thus at a time when there was no suspicion, dismisses them so casually: 'These witnesses are relatives, domestic servants, and bound by



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the bonds of friendship.'"

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis - Commentarium Officiale: "Those who are joined together, and, what is more serious, all those addicted to the sects of the Protestants, believe that, with certain additions, the institution of marriage is dissoluble. Therefore, there is reason to suspect that they intended to deceive Olga, so that she might be able to unite herself in a legitimate bond with a noble and virtuous man." It is also written in the final judgment: "Olga de Laftert, in her introductory book, says that, despite the opposition of her parents, she declared to her mother: 'I am marrying because I understand that I cannot do otherwise; I must do it, but only on the condition that you do not do anything against my divorce and that you take me back into the house; I fear that this day will come soon.' And she continues: 'My mother assured me of this, and because I felt that this man (Bartels) would never change, I intended to separate from him at the first opportunity, which I believed he would soon provide, and precisely because of mutual antipathy. I have expressed myself in this way to several people.' But what the plaintiff asserts, she has not conclusively proven, for if the procedural documents are examined, a prudent doubt exists about the opposite, which is sufficient, according to the instruction of the Holy Office of 1883, § 39, so that a judgment against a marriage, which is a public and solemn act, should not be pronounced." From this it appears that the judges carefully considered the procedural documents; and from these, as can be read in the contested judgment, the contradictions of the plaintiff and the exaggerations of that mother, regarding Olga's intention to enter into marriage through divorce, and the circumstance of the ignorance of this intention, on the part of the witnesses who profess the Catholic Religion. Therefore, these same judges believed that "the nature of the matter requires it, and that it is free from suspicion of enmity or favor," confirming their decision based on arguments and testimonies, which they found to be more appropriate to the case" (chapter 3, Canon IV, Questions II and III). Therefore, "because the judge must estimate the evidence according to his conscience," and, in this case, the judges did not have the moral certainty required to pronounce any judgment (canon 1869), the contested judgment must be declared valid, in which it is stated that there is no proof of the nullity of the marriage. In the Instruction of the Holy See on the Doctrine of the Faith, dated in the year 1883, § 40, the following instruction is given to the judges of matrimonial causes: "In this matter, the judge must know that marriage is, by its very nature, a solemn and public act, which should be considered valid in itself, unless evident reasons demonstrate its nullity. Therefore, every effort and diligence must be made to gather these reasons, but a judgment against a marriage should never be pronounced unless the totality of the evidence excludes all prudent doubt about the existence of



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an impediment."

[*Latin ed. p. 299*]

The Supreme Sacred Apostolic Tribunal, 299. Therefore, the Most Reverend Fathers judged that the total sentence appealed against, since it has neither overturned the facts, nor violated the law, nor suffers from any nullity, nor is it to be annulled by the sword of prescription. Indeed, "circumscription" is most certainly a thing abhorred by the law, and "it is most grievous to destroy that which has been decided before the Judge..." If there should be even the remotest doubt, the circumscription must be granted, lest it be denied; the law indeed commands that we must uphold valid acts" (Signatura, Justitia, Decisions, January 25, 1838, Fabrianen or Lauretana, Concerning Circumscription, before Lippi, no. 11). Regarding the other part of the appeal, the Most Reverend Fathers observed that matrimonial causes have always been privileged, so that they never become res judicata, and can always be withdrawn, provided that due process is observed (Chapter VII, on sentences and judgments; Constitution *Dei Miseratione*, § XI; new Code, canon 1903 and 1989); and therefore, since *restitutio in integrum* is an extraordinary remedy, especially against sentences that have become res judicata (canon 1905), they declared that it could not apply in this case. However, considering that the same Most Reverend Fathers noted that, perhaps, depositions in this case were not valued as much as they deserved; and that the plaintiff, through her procurator, states (Restitutio, Response to the observations of the Defender of the Faith, H.S.T., near the end) that she has other witnesses available to prove her intention to contract marriage, and considering that, therefore, the condition required by law is present (cited Constitution *Dei Miseratione* and new Code, canons 1903 and 1989), namely that matrimonial causes can always be withdrawn whenever new and serious arguments or documents are presented, they judged that the matter should be remitted to the Sacred Roman Rota for a new examination. Regarding the judicial expenses, the Supreme Tribunal decreed that they should be borne by the plaintiff. And thus it was promulgated, pronounced, decreed, declared, and definitively judged, and ordered that this definitive sentence be made public and that it be enforced against all to whom it applies; not only, etc.; but also, etc. Given from the halls of the Supreme Tribunal, on May 31, 1919. Joseph Fameli, Voting Member of the Signatura. VISITED: Evaristus Lucidi, S.A.S.T., Secretary. L. % S. Joseph against Fornari, Notary.

[*Latin ed. p. 300*]

300 Acta Apostolicae Sedis ~ Commentarium Officiale DIARIUM ROMANAE CURIAE SACRA CONGREGAZIONE DEI RITI. Tuesday, June 3, 1919, in the Apostolic Palace at the Vatican, the Particular Congregation of Sacred Rites was held, in which the Most Eminent and Reverend Lords Car-



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dinals and the Reverend Prelates, official members of the same, discussed and gave their vote on the following matters: 1) concerning the validity of all Apostolic and Ordinary processes compiled in the Curia of Bayonne for the cause of beatification and canonization of the Venerable Lewis Edoardo, founder of the Congregation of the Servants of Mary; 2) concerning the validity and significance of the Apostolic process compiled in the Curia of Naples, regarding the reputation of sanctity of life, of virtues, and of miracles in general, of the Venerable Lewis of Casoria, a professed priest of the Order of Friars Minor, founder of the Congregation of the Brothers of Charity, Franciscan Third Order, called the "Bigi" Brothers; and of the Sisters of Saint Elizabeth, also Franciscan Third Order, called the "Bigi" Sisters; 3) concerning the validity and significance of the Apostolic process compiled in the Curia of Moulins, regarding the reputation of sanctity of the Servant of God, Lewis Teresa Montaignac De Chauvance, foundress of the Pious Union of the Oblates of the Sacred Heart of Jesus; 4) concerning the validity and significance of the Apostolic process compiled in the Curia of Rome, regarding the reputation of sanctity of life, of virtues, and of miracles in general, of the Venerable Lucy Filippini, foundress of the Institute of the Pious Teachers, by her called the Filippini; 5) concerning the cult, in obedience to the Decrees of Urban VIII, never previously paid to the Servant of God, William Joseph Chaminade, priest, founder of the Society of Mary, called the Marianists; 6) and likewise concerning the cult, in obedience to the Decrees of Urban VIII, never previously paid to the Servant of God, John Baptist Stoeger, a lay professed member of the Congregation of the Most Holy Redeemer.

"Tuesday, June 17, 1919, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the theological Consultors, members of the same, discussed and gave their vote."

[*Latin ed. p. 301*]

The Roman Curia's records initially concerned the matter of the process for the solemn canonization of the Blessed Joan of Arc, called "the Maid of Orleans"; and then the matter of the process for the solemn beatification of the Venerable Louise de Marillac, widow Le Gras, co-foundress of the Institute of the Daughters of Charity; and then the matter concerning the martyrdom, the cause of the martyrdom, and the signs or miracles of the Servants of God Mary Magdalene Fontaine and three companions of hers from the Institute of the Daughters of Charity, together with the Servants of God Mary Clotilde Angela of St. Francis Borgia and ten companions of hers from the Order of the Ursulines of the Monastery of Valenciennes, all of whom were killed, as it is asserted, out of hatred for the Faith.



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**SECRETARY OF STATE, BY ORDER:**

With letters from the Secretary of State, the Holy Father deigned to appoint:

May 31, 1919.

His Eminence, Cardinal William Van Rossum, Protector of the Venerini Institute.

His Eminence, Cardinal Aidan Gasquet, Protector of the Institute of the Sisters of the Immaculate Conception, in Barcelona.

Msgr. Achilles Ratti, Apostolic Visitor of Poland, Apostolic Nuncio to said Republic.

His Eminence, Cardinal Vittorio Amedeo Ranuzzi de' Bianchi, Protector of the Sacred Military Order of St. George.

With Apostolic Briefs, the Holy Father deigned to appoint:

Assistant to the Papal Throne:

June 12, 1919.

Msgr. Paul Maria Reynaud, Apostolic Vicar of Ce-Kiam Oriental.

Apostolic Protonotaries, in the manner of those participating:

May 27, 1919.

Msgr. Marcello Henry, of the diocese of Verdun.

Msgr. Carlo Nicola Gattinois, of the same diocese.

[*Latin ed. p. 302*]

302 Acta Apostolicae Sedis - Official Commentary of the Domestic Prelate, Vol. 8: * January 11, 1919. Monsignor Alfred E. Manning, of the diocese of Toledo in America. February 18th: Monsignor Patrick I. MacDonnel, of the archdiocese of Chicago. April 4th: Monsignor James Joseph Bennet, of the diocese of Rockford. Also: Monsignor Clement Kalvelage, of the same diocese. May 24th: Monsignor Ferdinand Semerano, of the diocese of Ostuni. June 12th: Monsignor Lewis Arce Ruesta, of the archdiocese of Lima. HONORS: By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Pius: May 29, 1919. To Mr. Marco Fidel Suarez, President of the Republic of Colombia. The Grand Cross of the Order of Saint Gregory the Great, civil class: May 29, 1919. To Mr. Joseph Emmanuel Goenaga, formerly Minister of Colombia to the Holy See. June 5th: To Mr. Emmanuel George Forbes de Bessa, formerly Minister of Portugal to the Holy See. The Grand Cross of the Order of Saint Gregory the Great, military class: May 3, 1919. To General Baron Yoshinao Hatano, Minister of the Imperial Household of Japan. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: June 5, 1919. To Mr. Felix de Barros Cavalcanti de Lacerda, of the archdiocese of Rio de Janeiro. The Commander's Cross with plaque of the Order of Saint Gregory the Great, military class: May 3,



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1919. To Lieutenant General Kenzo Ishiwara, Vice-Minister of the Imperial Household of Japan. The Commander's Cross of the Order of Saint Gregory the Great, civil class: June 13, 1919. To Mr. Ataúlfo Ñapóles de Paiva, of the archdiocese of Rio de Janeiro. Also: To Mr. Salvatore Cardenal, residing in Granada (Nicaragua).

[*Latin ed. p. 303*]

Diarium Romanae Curiae 303. The Commendatorship of the Order of Saint Gregory the Great, military class: May 3, 1919. To the Honorable Colonel Naomichi Watanabe, Master of Ceremonies in the Court of Japan.

To the Honorable Colonel Kenkichi Yoshizawa, Head of the Protocol and Personnel Section at the Ministry of Foreign Affairs in Japan.

The Knighthood of the Order of Saint Gregory the Great, civil class: May 20, 1919. To the Honorable Marziale Boudet, of the Archdiocese of Paris.

To the Honorable Teotisto Lefevré, of the Diocese of Evreux.

To the Honorable Leone Claudio Jouas, of the Archdiocese of Paris.

To the Honorable Giuseppe Emanuele Goenaga, formerly attached to the Legation of Colombia to the Holy See.

June 18. To the Honorable Ivo Vauquelin, of the Diocese of Moulins.

The Knighthood of the Order of Saint Gregory the Great, military class: May 3, 1919. To the Honorable Commander Yeishun Kimura, Secretary of the Supplies Office of the Imperial House of Japan.

The Grand Cross of the Order of Saint Sylvester Pope: May 3, 1919. To the Honorable Count Ujitaka Toda, Grand Master of Ceremonies in the Court of Japan.

The Commendatorship of the Order of Saint Sylvester Pope: May 3, 1919. To the Honorable Lieutenant Colonel Hachiro Saionji, Master of Ceremonies in the Court of Japan.

To the Honorable Lieutenant Colonel Yoskitoshi, Master of Ceremonies in the Court of Japan.

The Knighthood of the Order of Saint Sylvester Pope: May 3, 1919. To the Honorable Saneatsu Tokudaiji, Lieutenant in the first regiment of the Japanese cavalry.

To the Honorable Yuji Takahashi, Japanese diplomatic attaché.

June 13. To the Honorable Umberto Bellotto, of the Patriarchate of Venice.

To the Honorable Luigi Masetti, of the Archdiocese of Bologna.

[*Latin ed. p. 304*]

Acts of the Apostolic See - Official Commentary 304

## MAGGIORDOMATO OF HIS HOLINESS

With the tickets of His Eminence, Monsignor Maggiordomo, the Holy



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Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

May 21, 1919.

Monsignor Alberto Bartolomasi, of the archdiocese of Turin.

May 30, 1919.

Monsignor Vincenzo Tuzii, of the diocese of Aquino, Sora, Pontecorvo.

June 5, 1919.

Monsignor Giovanni Battista Maiolo, of the diocese of Alba.

June 7, 1919.

Monsignor Giuseppe Giondini, of the archdiocese of Florence.

June 11, 1919.

Monsignor Pietro Bianchi, of the same archdiocese.

June 12, 1919.

Monsignor Guglielmo van Stee, of the diocese of Harlem.

June 19, 1919.

Monsignor Antonio Lizza, of the archdiocese of Genoa.

Monsignor Alessandro Paglia, of the diocese of Foligno.

Honorary Chamberlains in purple attire of His Holiness:

June 2, 1919.

Monsignor Luigi Lauletta, of the archdiocese of Santa Severina.

June 12, 1919.

Monsignor Alfio D'Agata, of Rome.

Honorary Chamberlain beyond the city of His Holiness:

June, 1919.

Monsignor Pietro Maria Castañeda, of the archdiocese of San Giacomo del Cile.

Honorary Chamberlain of Sword and Mantle of the number of His Holiness:

June 25, 1919.

Commendatore Paolo Croci, of Rome.

NECROLOGY

June 22, 1919.

Monsignor Giovanni Emanuele Sanz y Saraiva, Bishop of Jaen.

[*Latin ed. p. 305*]

Year X, Volume XI, August 1, 1919, No. 9. ACTA APOS TOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. APOSTOLIC LETTERS TO THE BISHOPS OF GERMANY.

I. UPON THE FINALLY ESTABLISHED PEACE, HE OFFERS TIMELY ADMONITIONS, SO THAT, THROUGH THE EFFORTS OF THE CATHOLIC



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CHURCH, THE DAMAGES OF THE WAR MAY BE REPAIRED AS SOON AS POSSIBLE.

BENEDICT XV, TO THE VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BLESSING.

After a long and most grievous war, peace has finally dawned upon your nation; that maritime siege has at last been lifted, by which so many, who had no part in the war, were, especially in this place, killed. Therefore, Venerable Brothers, We, who, with a paternal heart, have embraced both sides of the belligerents, and have spared no effort to extinguish this fire, or to alleviate its miseries, offer to Almighty God, along with you and with your entire people, our heartfelt thanks.

Now, the matter at hand with you is to repair, as soon as possible, the immense damages caused by the war; and since nothing is more effective than the efforts of the Catholic Church, to which divine grace is added, We have decided to send you these letters.

First, that disturbances to public order may not arise in Germany, which could threaten the same, and indeed all of Europe, with ruin, to which other nations are already suffering, every effort must be made to ensure that the people have what is necessary for sustenance. For this reason, Venerable Brothers, using the assistance of your parish priests and other members of the clergy, who are more accustomed to the people, you will urge the faithful who cultivate the land, to the extent that it is possible, to...

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis - The official commentary indicates that they can, with prudence, provide food only to those urban inhabitants who are suffering from hunger, so that they may not refuse. Indeed, in this most urgent time, the law of charity demands this; charity embraces all, even enemies, and desires that we love them in a particular way, those with whom we are united by the bond of the same homeland. Furthermore, we are confident that those who are men of culture and learning, especially Catholics, will readily come to the aid of this people, whom we know to be reduced to extreme hardship, not only drawn by the fear of dangers, but also by the common bond of the human family and the necessity of Christian charity. For we must always remember what the holy Apostle John proclaims: "He who has the substance of this world, and sees his brother in need, and shuts up his bowels from him, how does the love of God remain in him?" (1 John 3:17-18). Then, venerable brothers, it is necessary for each of you to direct all the authority of your sacred office to healing those wounds that war has inflicted upon or exacerbated in your nation, the wounds of souls. Above all, hatred must be eradicated, both against external enemies with whom there has been conflict, and among citizens who are divided by partisan interests; and in its place, fraternal charity must be awakened, a charity to which there are no boundaries of peoples,



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no contests among the orders of citizens. As we recently stated in the sacred Consistory, we repeat that very wish: "that men and peoples may once again be united with each other by the bonds of Christian charity, which, if it fails, all agreements for peace will be futile." You, therefore, venerable brothers, as good pastors and administrators of peace and charity, will devote all your diligence and effort to this cause, ceaselessly imploring God for His favor through common prayers with your clergy and people. As for Us, We will not be absent from you in this supreme crisis of your homeland; for Our paternal heart is drawn spontaneously to where the need of Our children is greatest, following the example of the most beloved Redeemer of mankind, who, moved by the great multitude suffering, uttered that memorable saying: "I have compassion on the multitude." In the meantime, as a pledge of divine graces and a witness of Our particular benevolence, We impart to you, venerable brothers, and to all those who are entrusted with your care, Our apostolic blessing. Given in Rome, at St. Peter's, on the fifteenth day of the month of July, in the fifth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 307*]

Acta Benedicti PP. XV 307. LETTERS I to R. P. MAURUS PARODI, ABBOT GENERAL of the Olivetan Congregation, concerning the anniversary of the founding of that religious family.

Beloved son, greetings and the apostolic blessing.

It has pleased Us that you recently informed Us, in your most obedient letters, that you are about to celebrate the six hundredth anniversary since the founding of the Olivetan Congregation, which you direct. Indeed, through this joyful commemoration, it is fitting that you recall with even greater attention the example of the holy Founder, who, with the most present help of the Divine Mother, laid the foundations of his institute, and adorned it with the praises of all virtues, and who, at last, offered his life as a victim of charity, together with eighty of his disciples. You therefore have this most excellent double glory transmitted to you by your predecessors: outstanding piety towards the Most Blessed Virgin, and a singular concern for the salvation of others.

Indeed, this, the mistress and queen of all virtues, charity, is widely displayed, especially today, when this long war has brought so many, and such great, losses and injuries. How many are there to be consoled, to be relieved of their poverty, to be protected and sustained! To these, add the spread of errors of wickedness and the allurements of corruption, how much ignorance of the most important things, how much oblivion of eternal salvation! So much misery of every kind awaits medicine, or at least some relief, from Christian charity; and this will certainly happen to a great extent if, with God's help, a multitude is drawn back to the profession and practice of Christian life. In this, all indeed ought to contribute as much as



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they can, for God has commanded each one to care for his neighbor; much more so those, such as yourselves, who, by their institute, and reminded by the memory of the domestic virtues of Lodi, are accustomed to strive to do good to their neighbor. Therefore, be encouraged, and, with the help of the Virgin, Mother of God, strive all the more diligently for the common good. May the zeal for charity fill the void of the members of your community: for this virtue, which wonderfully moves hearts, leads us to hope that it will add others to your community. Thus, these anniversary celebrations will benefit not only you individually, but the entire Congregation; which is what We earnestly desire and pray to God for. For this reason, and also to enhance the solemnity of this event, We freely grant you permission to, within the end of the current year, hold secular celebrations in your monasteries.

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis - Official Commentary: Those who celebrate the feast, and who enter the monastery church, shall obtain a plenary indulgence, under the usual conditions of the Church, once. And as a witness to the favor of Heaven and the most excellent benevolence of Ourselves, We impart to you, beloved son, and to the entire religious family under your direction, Our most fervent apostolic blessing. Given in Rome, at Saint Peter's, on the tenth day of the month of June, in the fifth year of Our Pontificate. BENEDICT XV

To the Reverend Father ANDREW FERNANDEZ, of the Society of Jesus, President of the Pontifical Biblical Institute of the City of Rome, concerning the opening of the house, which is to be an annex of the same Institute, in Jerusalem.

Beloved son, greetings and Our apostolic blessing.

We know well that the pontificate which you lead, this Institute of the beloved City, is devoted to promoting the study of Holy Scripture, and from the very expression of gratitude with which We recently praised your learned endeavors, you can understand how gladly We learned from your letter that Our predecessor of blessed memory, Pope Pius X, had entrusted you with the task of opening, as soon as possible, in Jerusalem, a house for those devoted to the study of divine books; and that this house will not be a school in the proper sense, in which all matters relating to biblical discipline are taught, but rather an annex and a complement to this Roman Institute, and that there will be taught only special subjects there, such as geography, archaeology, and Semitic epigraphy.

Indeed, those who have devoted themselves entirely to the study of the Scriptures, having learned the Hebrew and Greek languages, and having become sufficiently versed in exegesis, in biblical history, and in similar subjects – which is excellently done in Rome, under your leadership – ought to spend some time in Palestine, so that, by being present in that place,



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where even now the air is filled with the fragrance of sacred antiquity, they may attain a deeper understanding in this field.

Therefore, We greatly praise your plan, and We earnestly pray that God may grant it every success.

And as a witness to the favor of Our divine gifts and the most excellent benevolence of Ourselves, We impart to you, beloved son, and to all the professors and students of this Institute, Our most fervent apostolic blessing.

Given in Rome, at Saint Peter's, on the twenty-ninth day of June, in the feast of the Prince of the Apostles, in the fifth year of Our Pontificate.

**BENEDICT XV**

[*Latin ed. p. 309*]

The Most Holy Congregation of the Holy Office, 309. ACTS OF THE MOST HOLY CONGREGATIONS. SUPREME HOLY CONGREGATION OF THE HOLY OFFICE. DECREE CONCERNING THE PARTICIPATION OF CATHOLICS IN THE SOCIETY "AD PROCURANDAM CHRISTIANITATIS UNITATEM." In the general assembly of the Most Holy Sacred Congregation of the Holy Office, held on Thursday, July 2, 1919, the following question was proposed: "Whether the instructions of this, the same Most Holy Sacred Congregation, issued on September 16, 1864, concerning the participation of Catholics in a society established in London, which claimed to be working for the unity of Christianity, are to be applied, and whether they are to be observed by the faithful, even with regard to their participation in any gatherings or public or private meetings organized by such societies, which aim to promote the union of all Christian groups claiming that name?" The Eminences and Most Reverend Lords Cardinals, Inquisitors General for matters of faith and morals, were commanded to give an answer: "Affirmatively, and that the aforementioned letters, along with others given to certain Anglican prelates on November 8, 1865, are to be republished in the official journal of the Holy See." The Most Holy Lord Pope Benedict, Divine Providence, XV, on the following Friday, on the 3rd day of the same month and year, having received the resolution of the Fathers, deigned to approve and confirm it. Notwithstanding any objections to the contrary. Given in Rome, from the offices of the Holy Office, on July 4, 1919. Aloisius Castellano, Notary of the Most Holy Sacred Congregation.

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis - Commentarium Officiale I

SUPREMAE S. ROMANAE ET UNIVERSALIS INQUISITIONIS EPISTOLA AD OMNES ANGLIAE EPISCOPOS



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It has been reported to the Apostolic See that certain Catholics, and even ecclesiastical men, have given a name to a society, established in London in the year 1857, which claims to promote the unity of Christendom. Furthermore, several articles have been published in periodicals, which, it is alleged, are written by Catholics who support this society, or are written by ecclesiastical men who recommend the same society. And indeed, the nature and purpose of this society, not only from the articles in the periodical entitled "The Union Review," but also from the very document in which members are invited and enrolled, is easily understood. For it was formed and directed by Protestants, and is animated by a spirit which it expressly professes: namely, to claim that the three Christian communions – the Roman Catholic, the Greek-Schismatic, and the Anglican – which, although separated and divided among themselves, nevertheless have an equal right to the name of Catholic. Therefore, access to this society is open to all inhabitants of every place, whether Catholic, Greek-Schismatic, or Anglican, with the condition that no one is permitted to raise questions on the various points of doctrine in which they disagree, and that each person may freely follow the tenets of their own religious confession. Furthermore, all members are required to recite certain prayers, and priests are to celebrate the Sacrifices, according to the intention: namely, that the three aforementioned Christian communions, since, as it is assumed, they all together already constitute the Church, may finally be united into one body. The Supreme Sacred Congregation, to which this matter has been presented for examination, having carefully considered the matter, has judged it necessary to take steps to instruct the faithful not to enter this society, which is led by heretics, and to associate with the same heretics and schismatics. Indeed, the Eminences, Cardinals, who are with me in the direction of the Sacred Inquisition, do not doubt that the Bishops of this region will, by reason of their eminent charity and doctrine, apply all diligence to demonstrate the vices with which this society is tainted, and to avert the dangers which it presents. Nevertheless, they might seem to be failing in their duty if they did not more strongly arouse the pastoral zeal of these same Bishops in this very grave matter: for this novelty is all the more dangerous, because it appears to be pious and very concerned with the unity of the Christian society. The foundation upon which this kind of thing rests is that it subverts and distorts the constitution of the Divine Church. For it holds that the true Church of Jesus Christ consists partly of the Roman Church, spread and propagated throughout the world, and partly of the Photian schism and the Anglican heresy, in which, just as in the Roman Church, there is one Lord, one faith, and one baptism. In order to remove the dissensions which exist among these three Christian communions,

[*Latin ed. p. 311*]

The Most Holy Congregation of the Holy Office, deeply concerned by



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the grave scandals and the detriment to truth and charity caused by schismatic communities, has ordered prayers and sacrifices to be offered, so that God may grant the grace of unity. Nothing is more important to a Catholic than that schisms and divisions among Christians be eradicated from their roots, and that all Christians strive to preserve the unity of the spirit in the bond of peace (Ephesians, IV, 3). Therefore, the Catholic Church pours forth prayers to God and encourages the faithful to pray, that those who have strayed from the true faith may be converted and, along with the Holy Roman Church, outside of which there is no salvation, may return to the bosom of the Church, abandoning their errors; indeed, that all men, with God's help, may come to the knowledge of the truth. But it is in no way permissible to tolerate that faithful and ecclesiastical men, led by heretics, and, what is worse, with the intention of promoting a heresy that is most impure and corrupt, should pray for Christian unity. The true Church of Jesus Christ, which is established and recognized by divine authority through its four marks, which we affirm in the Creed, is such that each of these marks is so closely connected to the others that it cannot be separated from them; hence, that which is truly and properly called Catholic must shine forth with the prerogatives of unity, holiness, and apostolic succession. Therefore, the Catholic Church is one, conspicuous through its unity, and perfect throughout the world and among all nations, and it is indeed through this very unity that the principle, root, and unfailing origin is the blessed Peter, the Prince of the Apostles, and the supreme authority and preeminence of his successors in the Roman Chair. The Catholic Church is no other than that which, built upon one Peter, rises as a united body, closely connected by the unity of faith and charity: as the blessed Cyprian sincerely professed in Epistle 45, when addressing Pope Cornelius in this manner: "May you and your colleagues firmly approve and cherish the unity and charity of the Catholic Church." And likewise, Pope Hormisdas, when the bishops condemned the Acacian schism, affirmed the same in a formula confirmed by the testimony of all of Christian antiquity, in which those who are separated from communion with the Catholic Church are said to be those who are not in agreement with the Apostolic See in all things. Far from it that communities separated from the Roman See can rightfully be called and considered Catholic, rather, it is from this very separation and discord that it can be recognized that certain societies and certain Christians do not hold true faith, nor do they hold the true doctrine of Christ: as Saint Irenaeus demonstrated most clearly from the second century of the Church, in Book III, Against Heresies, chapter III. Therefore, let the faithful be most careful not to join themselves to these societies to which they cannot adhere while preserving the integrity of the faith; and let them hear Saint Augustine teaching that there can be neither truth nor piety where Christian unity and the charity of the Holy Spirit are lacking. Furthermore, the faithful should also abhor the London Society above all things, because it conspires



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to promote indifference and causes scandal. That society, or at least its founders and leaders, profess that Photianism and Anglicanism are two forms of the same true Christian religion, in which, just as in the Catholic Church, it is pleasing to God.

[*Latin ed. p. 312*]

312 Acta Apostolicae Sedis - The Official Commentary notes that Christian communities of this kind are indeed subject to disagreements among themselves, but without violating the faith, because they remain united in the same faith. However, this is the height of indifference in the matter of religion, which, especially in this age, spreads to the great detriment of souls. Therefore, it is necessary to demonstrate that those Catholics who adhere to this Society offer an opportunity for spiritual ruin to Catholics, as well as to non-Catholics, especially since, from a vain expectation that the three aforementioned communities, remaining whole and steadfast in their own beliefs, will come together into one, that Society of non-Catholics turns away from conversion to the true faith and attempts to hinder it through publications it disseminates. Therefore, the utmost care must be taken that Catholics, whether deceived by a semblance of piety or by bad judgment, are not attached to, or in any way favor, this Society, or others like it, and that, being snatched away by the deceptive desire for a new Christian unity, they do not depart from the perfect unity which consists in the solid foundation of Peter, a marvelous work of the grace of God. Rome, this 16th day of September, 1864. G. CARD. PATRIZI.

## II TO CERTAIN ENGLISH PURITANS.

Honorable and most beloved Lords,

Since you, in letters addressed to me, sincerely profess and express with genuine voice that you desire nothing more than that, according to the words of Our Lord Jesus Christ, there be one flock and one shepherd, this gives this Sacred Congregation the most pleasing hope that you, through the grace of the same Jesus Christ, will arrive at true unity. However, you must be careful not to deviate from the path while seeking it. Furthermore, this Sacred Congregation deeply laments that those Christian groups, who claim to possess the inheritance of the priesthood and the Catholic name, belong to the true Church of Jesus Christ, as parts thereof, even though they are divided and separated from the Apostolic See of Peter. There is nothing that is more abhorrent to the true notion of the Catholic Church. For the Catholic Church, as I have warned in my letters to the Bishops of England, is that which, built upon one Peter, rises as a united body and is compact with the unity of faith and charity. Indeed, this unity of faith and charity, or communion, from the unchangeable institution of Christ, is not only the principal and fundamental property of the true Church, but



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also the surest and always visible sign by which the Church itself is safely and easily distinguished from all sects, as I will clearly show to you, if you diligently consider the matter with a calm mind. 1 1 St. Ambrose, De officio ministrorum, book III, chapter III, paragraph 19.

[*Latin ed. p. 313*]

The Most Holy Congregation of the Holy Office has, with great care, considered, and has demonstrated through the clear testimonies of the Holy Scriptures, and through the significant use of metaphors, parables, and images, by which the Church is depicted and, as it were, represented; also, through the most excellent documents of the holy Fathers and of the most ancient Synods; and finally, through the constant method of acting which the Church has always followed from its very beginnings, against every kind of heretics and schismatics, even though some of them claim to inherit the priesthood and the name of Catholic. Just as the Church of Christ, because of the extent to which it is spread throughout all nations and at all times, firmly maintains the communion of faith and unity, is called Catholic; so, for the same reason, it is proclaimed to be holy and apostolic; and just as, without such unity, it would cease, both in law and in fact, to be Catholic, so also it would be continually deprived of the signs of holiness and of apostolic succession. But the Church of Christ has never lost its unity, nor will it ever lose it, not even for the briefest of times; for, according to divine prophecies, it is destined to endure forever. How, then, can the Church be believed to endure forever, if, with the passing of time, it were to introduce a new appearance and form, and if the Church itself were ever to depart from that unity of faith and communion, upon which it was founded by Jesus Christ and subsequently spread by the Apostles? Therefore, as Saint Ambrose says, "The kingdom of the Church will remain forever, because the faith is one body." Since the Church of Christ is, in fact, entirely unchangeable, it necessarily follows that it must also be considered and believed to be infallible in the transmission of the evangelical doctrine; a prerogative of infallibility which the Lord Christ, the Head, Spouse, and Cornerstone of His Church, has bestowed upon it, a dogma of unwavering Catholic faith. And indeed, who can seriously believe that error can be present in the public and solemn teaching of the Church, which Christ instituted with this very purpose in mind, so that we would no longer be children, tossed about and carried away by every wind of doctrine in the deceitfulness of men, in their cunning to the circumvention of error; which He promised never to abandon, and to teach from all truth by the Holy Spirit; from whom He willed that all nations should be called to obedience of faith, and that the doctrine of things to be believed and practiced should be received in such a way that he who did not believe those who preach, and their legitimate successors, the Apostles, would be condemned; to whom He attributed the office and authority of prescribing the form of sound



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words, in which all who are to be instructed in the things of God would agree? From this, Paul calls the Church the pillar and foundation of truth. But how could the Church be the foundation of truth, unless truth were safely derived from it? The Most Holy Fathers also speak with one voice and proclaim that, in the unity of the Church, the unity of faith and of Christ's doctrine is so firmly established that the two cannot be separated.

[*Latin ed. p. 314*]

Acts of the Apostolic See - Official Commentary 314. One principle is that the Church is the dwelling place of unity and truth. The Catholic Church has never doubted this prerogative, which has been promised to it and communicated through the constant presence of Christ and the inspiration of the Holy Spirit, whenever it has addressed controversies arising from faith, interpreted the meaning of the sacred Scriptures, and refuted errors opposed to the deposit of revelation; for it has always issued its dogmatic definitions, presenting them as a certain and immutable rule of faith, which each individual ought to accept with the fullest assent, without any doubt, suspicion, or hesitation; and those who stubbornly resist these definitions are, by that very act, considered to have shipwrecked themselves concerning the faith necessary for salvation, and are no longer considered to belong to the flock of Christ. And this becomes ever more evident in the face of the absurdity of that assertion concerning the Catholic Church arising from three communions, whose proponents are forced to acknowledge that the infallibility of the Church is necessarily compromised. It is now as certain and well-established as anything can be that, in order that the unity of faith and communion might be generated and perpetually preserved in the Church, and in order that the opportunity for schism might be removed, the most blessed Peter was chosen by singular providence above all the Apostles, as their prince, and as the most evident center and bond of that very unity; upon whom the Church was built, and to whom the entire care, authority, and responsibility were given to feed the whole flock, to confirm the brethren, and to bind and loose throughout the world, to be passed on to his successors through all ages. This is the Catholic dogma, which has been received from the mouth of Christ, transmitted and defended by the perennial preaching of the Fathers, and has been most sacredly preserved by the entire Church throughout all ages, and has been repeatedly confirmed against the errors of the innovators by the decrees of the Supreme Pontiffs and Councils. Therefore, the Catholic Church has always believed only that which adheres to the faith and communion with the See of the Roman Pontiffs, the successors of Peter; which, for this reason, Saint Cyprian calls the root and matrix of the Catholic Church; which the Fathers and Councils designate by the very name of the Apostolic See; from which the priestly unity has arisen, and from which all the rights of the venerable communion flow; in which Peter constantly lives and presides, and pro-



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vides for those who seek the truth of faith. Certainly, Saint Augustine, in order to bring back the Donatists, who were convicted of schism, to the root and vine from which they had departed, used the argument frequently employed by the older Fathers: "Come, brothers, if you wish to be grafted onto the vine. It is a sorrow to see you so separated. Number the priests, or from the very See of Peter, and in that order of the fathers, who succeeded whom."

[*Latin ed. p. 315*]

The Most Holy Congregation of the Holy Office 1 "See. She is the rock upon which the gates of hell shall not prevail." This alone sufficiently demonstrates that in the Catholic Church, there is no one who is not attached to that Rock, upon which the foundation of Catholic unity is laid. Thus also did St. Jerome feel, for he considered anyone profane who was not in communion with the Chair of Peter and the Pope sitting in that chair: "No one is a priest - thus he wrote to Damasus - unless he follows Christ, and is joined in communion with your blessedness, that is, the Chair of Peter; for I know that the Church is built upon that rock. Whoever eats the Lamb outside this house is profane. If anyone is not in the ark of Noah, he will perish when the flood comes. Whoever does not gather with you, scatters; that is, he is not of Christ, but is an antichrist." Thus also St. Optatus of Mileve, who celebrates that singular chair, well known to all, established in Rome, in which unity must be preserved by all, so that he who places another chair against that singular chair is a schismatic and heretic. And rightly so; for, as St. Irenaeus openly declares to all, it is through the ordination and succession of the Roman Pontiffs that the traditions and the proclamation of truth, which were handed down by the Apostles in the Church, have reached us; and this is the clearest proof that there is one and the same life-giving faith which has been preserved and transmitted in truth in the Church from the Apostles until now.

Therefore, if it is the proper and perpetual characteristic of the true Church of Christ to be contained in the highest faith and social unity of charity, to flourish and to appear as a city set upon a hill to all men at all times; and if, on the other hand, Christ willed that the Apostolic See of Peter should be the origin, center, and bond of that same unity, then it follows that any group that is completely separated from the external and visible communion and obedience of the Roman Pontiff cannot be the Church of Christ, nor can it belong in any way to the Church of Christ, that is, to that Church which is presented as to be believed in the Creed after the commendation of the Trinity: the Holy Church, the one Church, the true Church, the Catholic Church; which is called Catholic not only by its own members, but also by all its enemies, and thus the name Catholic has been obtained solely so that, when any heretic wishes to call himself Catholic, if a pilgrim asks where the Catholic Church is to be found, no heretic will



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dare to point to his own basilica or house; through which Christ bestows the benefits of redemption as if through a body most intimately united to Himself, and from which whoever is separated, no matter how laudably he may live, will not have life, but the wrath of God remains upon him.

[*Latin ed. p. 316*]

Acts of the Apostolic See - Official Commentary 316. Therefore, the name "catholic" cannot, either in law or in fact, be legitimately applied to these groups, and to attribute it to them would be entirely inadmissible, and would indeed manifest heresy. Hence, most reverend and most beloved Lords, you will understand why this Holy Congregation takes such care to prevent the faithful from being drawn into societies recently established by you, which claim to promote Christian unity. You will also understand that any attempt to restore concord will necessarily fail unless it is based on those principles by which the Church was established by Christ from the beginning, and which have been consistently propagated throughout the entire world by the Apostles and their successors; and which are clearly explained in the most celebrated Formula of Hormisdas, which is certainly approved by the entire Catholic Church. Finally, you will understand that that ecumenical communion, which you mention, flourished before the Photian schism, because the Eastern churches had not yet abandoned their due obedience to the Apostolic See; and that it is not enough to lay aside animosities and hatreds towards the Roman Church in order to restore this most desirable communion, but rather, according to the command and institution of Christ, it is necessary to embrace the faith and communion of the Roman Church; as the venerable Bede says, "the most splendid ornament of your nation": "Whoever separates himself in any way from the unity of faith or from the society of that (of blessed Peter), such a one cannot be absolved from the bonds of sin, nor can he enter the gate of heaven." And may it please, most reverend and most beloved Lords, that since the Catholic Church has been shown to be one and indivisible, you may no longer hesitate to embrace the bosom of that same Church, which, until the confession of the human race, has obtained the fullness of authority from the Apostolic See, despite the futile clamor of heretics, in Cattolica. May the Holy Spirit, who has begun in you through unexpressed benevolence towards this Church, deign to complete and perfect it without delay. This is what is earnestly desired for you by our most holy Pope Pius IX, together with this Holy Congregation, and is implored with all our hearts by the Father of mercy and light, that you may finally all, freed from inherited prejudice, worthily receive the root of charity in the bond of peace and in the society of unity, into the inheritance of Christ, into the true Catholic Church, to which your ancestors certainly aspired before the lamentable separation of the sixteenth century. Farewell. Rome, this 8th day of November, 1865. x 2 3 4 C. CARD. PATRIZI.



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1. Horn, in natale ss. Petri et Pauli. S. GVPR., Ep. VIII ad Com., apud Constant., n. 2.

2. S. A U G., De util, credendi, c. XVII, n. 35.

3. Id., Ep. 61, al. 2 2 3, n. 2; Ep. 69, al. 2 3 8, n. 1.

[*Latin ed. p. 317*]

The Most Holy Congregation of the Holy Office, 317 II, Regarding a Doubt Concerning Theosophy. On Thursday, the 16th day of July, 1919, in a plenary session held by the Most Eminent and Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, the following question was proposed: "Whether the doctrines which are today called Theosophical can be reconciled with the 'Catholic doctrine'; and therefore, whether it is permissible to give the name 'Theosophical' to societies, to attend their assemblies, and to read their books, periodicals, newspapers, and writings." The same Most Eminent and Reverend Lords, after having heard the opinions, decreed: "No, in all respects." By the vote of the Consultors. And on Friday, the 17th day of the same month, the Most Reverend Lord, N. D. Benedict, Divine Providence, Prefect, in his customary audience granted to the Reverend Father, Assessor of the Holy Office, approved the resolution of the Most Holy Fathers and ordered it to be published. Given at Rome, from the offices of the Holy Office, on the 18th day of July, 1919. A. Castellano, Notary of the Most Holy Congregation of the Holy Office.

SACRED CONSISTORIAL CONGREGATION, NOMINATION. July 4, 1919. – Considering the health conditions of the Most Reverend Bishop of Mimatensis, the Most Reverend Lord, N. D. Benedict, Divine Providence, Prefect, by decree of the Sacred Consistorial Congregation, appointed the Reverend Father, Peter Verdier, titular Bishop of Titopolis and Auxiliary Bishop of Ruthenensis, as Apostolic Administrator of the diocese of Mimatensis.

[*Latin ed. p. 318*]

318 Acta Apostolicae Sedis - Official Commentary

## SACRED CONGREGATION FOR THE COUNCIL OF ROMA AND OTHER AFFAIRS

## CONCERNING THE PROCEDURE IN THE TRANSFER OF PARISH PRIESTS

June 21, 1919

In the newly promulgated Code of Canon Law, book III, title XXIX, canons 2162 and following, the procedure for the transfer of parish priests is prescribed, and a distinction is made between parish priests who are



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immovable, whom the Ordinary cannot transfer against their will, and those who are removable, who, even against their will, can be transferred, provided that the norms prescribed by law are observed. However, there is no mention therein of the necessity of holding or omitting a competition or examination in the assumption of the administration of a new parish, a form of provision which the same Code generally recognizes and, where it is in use, presents by virtue of canon 459, § 4. Hence, a certain ambiguity and uncertainty in the application of the norms of canons 2162 and following has been experienced by Ordinaries, especially in Italia, as evidenced by the petitions submitted by some of them, even after the feast of Pentecost of the year 1918, to the Holy Sacred Congregation, requesting that they be granted a dispensation, by virtue of canon 2162, to transfer parish priests, contrary to the law concerning competitions. Before granting these requests, it was deemed necessary to submit a general question to the Most Eminent Fathers: Whether a competition or at least an examination is required in the transfer of parish priests, concerning which canons 2162 and following of the Code of Canon Law speak.

**FACTUAL OBSERVATIONS.**

The following observations were made in this regard.

It is established that there is no doubt in regions where parish competitions are general, i.e., where they are held in general to determine the suitability of the candidates for the absolute administration of a parish; concerning this form, see especially the recent case of *Concursus Parochialium*, December 17, 1904. For it is established in these competitions that those approved and deemed suitable are renounced to any parish, and therefore there is nothing to prevent them from being transferred from one parish to another without a new competition.

The difficulty, on the contrary, arises in parishes provided through special competitions, where the suitability of the candidates is judged according to the Council of Trent, session XXIV, chapter 18, *de ref.*, not with regard to the general administration of the parish, but definitively with regard to the "vacant parish" there: "those who have been judged suitable in age, morals, doctrine, prudence and other things for the vacant church shall be renounced."

[*Latin ed. p. 319*]

Sacred Congregation of the Council 319 "ought to be provided for by suitable means." The meaning of these words is extensively explained in the discussion of the case of Brixen and others, January 27, 1912 [Acta Apostolicae Sedis, IV, p. 296 ff.]. For in this case, and precisely for the aforementioned reason, namely that suitability is determined only with respect



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to the vacant parish to which provision is made through a competition, the authors generally conclude that it is forbidden for pastors to choose another parish without a competition, without the permission of the Holy See (cf. Garcia, De benef., p. IX, c. 2, n. 208 ff., Barbosa, De off. et pot. parochi, p. III, app. 60, n. 91; Fagnan, in tit. Ne sede vacante, cap. Bla, n. 18 ff., and others in the cited document, Milan, December 17, 1904). Therefore, since this prohibition undoubtedly constitutes a certain element or a specific disciplinary norm according to the law in force before the Code, and since in the Code this norm is expressly preserved in canon 459, § 4, "until the Apostolic See decrees otherwise," this same prohibition appears also to persist after the promulgation of the Code; or, at least, it is not certain that it has been abolished by the Code, and even in this hypothesis, according to canon 6, § 4, "one must not depart from the old law." But on the contrary, if the stated reasons are admitted without any distinction, it is clear that this conclusion must be reached, namely that canon 2162 and following have no place in those regions where the provision of parishes is made through a special competition. For, given this necessity of undergoing a competition, either the pastor to be transferred succeeds in the competition and then, by virtue of the competition itself, governs the parish to which he is assigned, without any need for a faculty granted by canon 2162; or, conversely, he is defeated by other candidates in the competition, and then, without manifest injustice to the other opponents, the same faculty will be of no use to him: in other words, as Reiffenstuel states (lib. I, tit. II, § XIX, n. 518), given this necessity, "the provision of the law regarding easy transfer would be made illusory," and therefore, it would certainly be necessary to exclude entirely from the faculty of canon 2162 the Ordinaries of those regions where the provision of parishes is made through a special competition. Although some apparent reason for this extreme conclusion may be devised, considering that the Code provides, according to the general norm, that in the case of canon 459, § 1-3, no competition is prescribed for the provision of parishes, and it is not required to also provide according to the special, exceptional norm contained in § 4 of the same canon 459; nevertheless, no one fails to see how grave and how odious it is to impose such a broad, completely tacit, exception upon the manifest words of the law. On the contrary, since canon 459, § 4, expressly reserves the form of competition where it is in force, while canons 2162 and following are completely silent about this form, it should be argued according to the saying: "where 'it' has willed, it has expressed; where it has not expressed, it has not willed." And this is confirmed more strongly.

[*Latin ed. p. 320*]

320 Acta Apostolicae Sedis - Considering the official commentary, according to the very words of canon 459, § 4, the form of concurrence is no longer required in the Code except as an exception to be observed at the



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will of the Holy See; there: "This form shall be retained, until the Apostolic See shall have decreed otherwise," words which, as noted in Lisbon and elsewhere, in the Pastoral Provision of April 13, 1918, clearly indicate "permission for the time being, in expectation of something better, for which we strive" (Acta Ap. Sedis, XI, 237); it therefore seems incongruous to attribute such importance to this exceptional form, as to impede in many places the entry into force of the new law which is explicitly stated to be given for the sake of the good of souls: cf. the words of canon 2162, there: "If the good of souls requires..." etc. It therefore seems more appropriate to begin, with this provision of canon 2162, in the specific case of the translation of pastors, a correction of the ancient law, or rather, a correction of the post-Trent law, by a return to the common law, as recorded in causes VII, question I, chapters 37 and 39; this correction is not only easily assumed, but is also "considered favorable and therefore to be extended," as many have shown, Reiffenst., loc. cit., n. 508 ss., there: "It is not surprising that the later law [in this case: the Code], "which corrects another corrective law [in this case: the post-Trent law concerning "special concurrence"], and returns us to the terms of the ancient law [in this case: "to the law of Gratian's Decretum], is considered favorable, and therefore to be extended." Furthermore, it is worth noting that this correction has already been explicitly initiated by the decree Maxima Cura, S. C. Consist., of August 20, 1910, canon 26, § 1, in the case of the translation of a pastor removed to another parish, a provision which the Code itself also accepts, canon 2154, § 1: "If a pastor is removed, the Ordinary... shall consult, whether by translation to another parish, or by assignment to another office," etc. Moreover, in the case of canon 2162, these advantages do not seem to cease for which it was most prudently provided that the suitability of the candidate should be tested, primarily and definitively, with regard to the parish to which he is to be assigned: indeed, in this case it is explicitly assumed that a pastor is to be transferred who is already "usefully governing" the parish [from which] he comes, thereby proving himself to be more suitable for the parish to which he is to be assigned, so that "the good of souls requires" that he be assigned to this parish rather than left in the other: this greater advantage is so evident that the pastor, setting aside his own advantages, to which he may even be unwilling, demonstrates "his love of God and of souls" more in accepting this assignment. Moreover: in the following canon 2163, it is explicitly assumed that the parish may sometimes be of a lower order, so that even an unwilling pastor may be transferred, "if the parish to which he is not assigned is not of too low a rank." Indeed (even setting aside the fact that, in the case of the translation of an unwilling pastor, this is quite absurd).

[*Latin ed. p. 321*]

The Sacred Congregation of the Council of Trent, in its decrees, defends



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the necessity of either a presentation of qualifications or even an examination, as a condition for obtaining a parish, since nothing is easier than to express disapproval either in the presentation of qualifications or in the examination. These conditions established by law clearly demonstrate the suitability for transferring a priest, which is determined by the parish to which, in this case, it is evident that nothing further can be added with certainty either through the presentation of qualifications or through the examination. Indeed, the purpose of the examination is no greater than that of the presentation of qualifications, as is evident from canon 459, § 3, n. 3: for the examination is required only to demonstrate to the Bishop the suitability of the priest, regarding which suitability the Bishop is already certain in this case; therefore, "he who is certain does not need further investigation," and all rights demand this.

Regarding the doubt presented in the plenary session of the Sacred Congregation of the Council of Trent on June 21, 1919, namely: "Whether a presentation of qualifications or at least an examination is required in the translation of pastors, as mentioned in canon 2162 and following in the Code of Canon Law:"

RESOLUTION: The Fathers judged it necessary to respond: "No, in either case." In the subsequent audience granted to the undersigned Secretary, His Most Holy Eminence, Pope Benedict Divine Providence XV, deigned to approve and confirm the aforementioned resolution.

I. MORI, Secretary.

*SACRED CONGREGATION FOR RELIGIOUS ORDERS. CONCERNING THE DECREE "INTER RELIQUIAS," REGARDING RELIGIOUS MEN ENGAGED IN MILITARY SERVICE. Since there is nothing in the Code of Canon Law concerning those matters contained in the Decree regarding Religious men engaged in military service, issued by the Sacred Congregation for Religious Orders on January 1, 1911, some have raised the question as to whether the aforementioned Decree is still in force after the promulgation of the Code.

However, this Sacred Congregation, considering the importance of the matter, believes that it should be noted that no provision could have been made in the Code of Canon Law for this.

[*Latin ed. p. 322*]

Acts of the Apostolic See, Official Commentary on the aforementioned Decree. Among other things, it has not been included in the canons of the same code, since the aforementioned Decree, by its very nature, relates to the circumstances of times and places, and cannot embody the reasoning of a general ecclesiastical law. Indeed, according to canon 614: "Religious, both lay and novices, enjoy the privileges of clerics, as mentioned in canons 119-123"; and among these, canon 121 absolutely states: "Clerics are ex-



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empt from all military service..." However, since the reasons for which the Decree *Inter religiosas* was issued persist, and religious men, even those who have made solemn vows, are compelled to military service in many regions, without regard for their state in which they have already been dedicated to the service of God, it follows that the prescriptions of the aforementioned Decree must be observed in their full force.

Therefore, having considered the following questions: 1) Whether the Decree *Inter religiosas* of the Holy Congregation for Religious, dated January 11, 1911, concerning religious men subject to military service, is still in force; and 2) To what extent, if affirmative: Whether novices subject to military service, upon completing their novitiate, must take temporary religious vows for a period of three years, according to the manner expressed in canon 574; the Holy Congregation, after mature deliberation, decided that the answers should be as follows: to the first, affirmatively; to the second, negatively; that is to say, military service and the taking of temporary vows are valid until...

Therefore, the Holy Congregation has decreed that: 1) The aforementioned vows cease on the day that the religious man effectively becomes subject to military service and to military discipline, or is declared absolutely and permanently unfit for military service; 2) As long as military service continues, the religious man, although not bound by religious vows, nevertheless remains a member of the religious order, under the authority of his Superiors, who are obliged to take care of him according to the prescriptions in the Decree *Inter religiosas*, paragraphs IV and V. However, in accordance with canon 637, the religious man may freely leave the religious order, after informing his Superiors in writing or before witnesses, and this declaration must be carefully preserved in the archives of the Order or Institute; the religious order may also declare him dismissed for just and reasonable causes; 3) In order to avoid any doubt concerning professions that may have been made in good faith after the promulgation of the Code, but contrary to the prescriptions of the Decree *Inter religiosas*, the Holy Congregation grants certain faculties.

[*Latin ed. p. 323*]

The Holy Congregation of Religious Institutes 323: To Superiors, in order that they may be healed, provided that the consent of the Religious is added, it must be declared in writing and preserved in the Archives. Regarding these matters, a report was presented to His Most Holy Father, Pope Benedict XV, in an audience on July 15, 1919, by the undersigned Cardinal Prefect. His Holiness approved all of the aforementioned and ordered that they be made publicly known. Given in Rome, on the aforementioned day and year. R. CARD. SGAPINELLI, Prefect. L. S. Maurus M. Serafini, Abbot, O.S.B., Secretary.



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## II. DOUBT CONCERNING THE RITES TO BE OBSERVED IN THE PROFESSION OF VOWS.

"Do the resolutions of the Sacred Congregation of Religious, dated July 18, 1902, concerning I, and January 15, 1903, concerning I and II, regarding the manner to be observed in the simple and solemn profession of nuns, after the publication of the Decree *Perpenses* of May 2, 1902, remain in force after the introduction of the Code of Canon Law, concerning the profession of temporary vows, which must precede the solemn vows?"

The Sacred Congregation, after mature deliberation, judged that the answer should be: "No, and with the following understanding:

'It is the intention that all the rites and ceremonies which refer to the perpetuity of the state be reserved for the solemn profession; for the temporary profession, however, it suffices that, according to canon 577, § I, n. 6, it be received by a legitimate Superior, either by himself or by another, according to the Constitutions.'"

Given from the Secretariat of the Sacred Congregation of Religious Institutes, on July 10, 1919. L. S. Maurus M. Serafini, Abbot, O.S.B., Secretary.

[*Latin ed. p. 324*]

Acts of the Apostolic See - Official Commentary

## SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH

## APPOINTMENT OF AN ORDINARY FOR APPEALS, ACCORDING TO CANON 1594, § 2.

According to canon 1594, § 2 of the Code of Canon Law, for the purpose of appeals: The Most Reverend Archbishop of Madras has designated the Ordinary of Vizagapatam. This designation was deemed worthy of approval by Our Holy Father, Pope Benedict XV, on July 14, 1919.

## SACRED CONGREGATION FOR RITES.

DECREE OF CANONIZATION OF BLESSED JOAN OF ARC, KNOWN AS THE VIRGIN OF AURELIAN.

### REGARDING A DOUBT:

Can, with the approval of two miracles, and after the Apostolic See has granted permission for veneration of the same Blessed, it be safely proceeded with to the solemn Canonization of her?

It appears, by the divine dispensation of things, that at these very times,



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when the Catholic Church is beset by a fierce war from all sides, and this Holy See of Peter is attacked in so many ways, the cause of the Canonization of Blessed Joan of Arc has achieved its highest point with remarkable and prosperous success. For all those who consider and describe in detail the events that have taken place thus far in this most chosen cause, and who, by a certain connection of facts, will recognize that Pope Callistus III spontaneously intervened, and that he, along with all those who...

[*Latin ed. p. 325*]

The Holy Congregation of Rites, having carefully considered the matter, has clearly demonstrated that the unyielding defender of truth and justice, the Roman Pontiff, is an outstanding and excellent advocate. For, driven by a desire, with which constant enemies of the Catholic name are afflicted, to leave no opportunity, however small, for raising suspicion and causing offense to the Church of Christ, the young women of Aurelianensis [Orleans] have even been subjected to slander, leading them to believe that they could find sufficient proof to demonstrate that those wicked men who had a prominent part in the most heinous murder of the most innocent Virgin, were devoted to ecclesiastical service. But, contrary to what was hoped would cease, this very thing served admirably to further reveal and openly demonstrate the divine institution. For it is known that, in that most unjust and heinous crime committed against the Adolescent, whatever sins the Church pastor and others bound by sacred ministry may have committed, all were fully, completely, and thoroughly corrected and reformed by the Supreme Pastor of the Universal Church; and indeed, it was a task of such great importance, undertaken with such prudence and wisdom, that it was carried out expeditiously, and as a result, remarkable events were revealed and made manifest. Indeed, by the authority of the Apostolic Supreme Pontiff Callistus III, the most heinous infamy that had been unjustly inflicted upon the most noble Virgin of Darciensis [Darcy] was completely and utterly removed. Moreover, and what is far greater and more remarkable, as the facts themselves demonstrate, the cause of the Beatification of the aforementioned young woman of Aurelianensis [Orleans] began in our time, and, after a period of less than twenty years, it was successfully and happily brought to a conclusion, and the cause of her Canonization was also initiated, which, as is fitting, proceeded so quickly and equally, that, after scarcely a decade had passed, the desired goal was achieved. To complete the series of events, as the established judicial order requires and demands, only one thing remains to be inquired: Given the approval of two miracles, after the Apostolic See granted veneration to Blessed Joan of Arc, can the solemn Canonization of her proceed safely? Therefore, through the Most Reverend Cardinal Januarius Granito Pignatelli di Belmonte, the Relator of the cause, the aforementioned doubt was presented in the general assemblies of this Sacred Order, which, on the seventeenth day of the



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month of June of this current year, were held before the Most Holy Lord our Pope Benedict XV, and all those present, both the Most Reverend Cardinals and the Consultors, unanimously agreed that it was safe to proceed.

[*Latin ed. p. 326*]

Acts of the Apostolic See - Official Commentary 326. Nevertheless, Our Most Holy Lord, with His supreme and decisive judgment, postponed such a grave matter, so that, through fervent prayers, He might obtain greater assistance from the Fathers in defining this important matter. And since He had decided to reveal His mind afterwards, He designated the Sunday following the fourth Sunday after Pentecost; therefore, with the most fervent celebration of the Holy Sacrifice, He ordered the Most Reverend Cardinals Anthony Vico, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Rites, and Januarius Granito Pignatelli di Belmonte, Bishop of Albano, and Relator of the cause, together with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, together with the undersigned Secretary, to be present, and solemnly declared: "It is permissible to proceed to the solemn canonization of Blessed Joan of Arc." He also ordered that this Decree be made public and recorded in the acts of the Sacred Congregation of Rites, and that the apostolic letters concerning the solemn canonization be prepared and, as soon as it is permissible, promulgated in the Vatican Basilica, on the eve of the ninth of July in the year 1919. J$j A. CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the S. B. C. L. © S. Alexander Verde, Secretary. The PARISIEN. DECREE CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, LOUIS DE MARILLAC, WIDOW OF LE GRAS, FOUNDRESS OF THE CONGREGATION OF THE DOCTORS OF CHARITY. REGARDING THE DOUBT: Can the venerable Servant of God safely proceed to beatification after the solemn approval of her virtues and of three miracles? The Venerable Servant of God, Louise de Marillac, widow of Le Gras, who, after having been married to a most holy man, named Vincent de Paul, whom she recognized as a guide in her conscience and a judge, arose with such extraordinary virtue and constantly demonstrated it.

[*Latin ed. p. 327*]

The Holy Congregation of Rites, in paragraph 327, states that the soul is joined to [God] so that it may always remain attached to that [person] whom it had chosen as its teacher and guide, not without the provident and wise counsel of God, and that the venerable Ludovica wished to be guided and ruled by [him] for thirty-eight continuous years, which was the entirety of her life. She died at the age of seventy, namely, in the year one thousand six hundred and sixty, in the middle of the month of March, while the holy Vincent was still alive, although for a short time. This Vin-



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cent, being eighty years of age, and having been deprived of his companion and partner in labors, nevertheless diligently continued to cultivate the field of charity, until, full of days and merits, he himself laid down this mortal life and exchanged it for his heavenly homeland, in the same year, in the month of September, on the seventh and twentieth day. Meanwhile, and this is something that must not be overlooked, it is worthy of special and diligent note that, during those approximately six months in which the holy Vincent survived his illustrious disciple and spiritual daughter, he spoke extensively about her, so that, especially among the members of the new Society, of which they had both been founders, he might bring to their attention the spiritual benefits, the virtues practiced by the deceased Mother, as is fitting for saints. Nevertheless, as the holy man, with his proven judgment, rightly deemed it necessary to instruct and caution them, he pointed out that, although people might have an opinion about the sanctity of the Handmaid of God Ludovica, no public or ecclesiastical honors could be bestowed upon her. As was fitting, those who obeyed the Father's warnings and the laws of the Church presented themselves to the Venerable Women; and, as it is proper for the blessed, they conceived in their hearts that they could publicly venerate their most blessed Parent, and therefore, they approached the Apostolic See, from which, with all due observance of the ancient customs of the Apostolic See and the laws of the Roman Pontiffs, they obtained what they had hoped for, and they rejoice in it, justly and deservedly. However, since, according to the nature of the evidence upon which this cause was based, it was necessary to double the number of miracles, so that what was lacking in human judgment might be compensated for by divine judgment; and since it has been declared that the testimonies consist of three miracles, Our Most Holy Lord Benedict XV, following the example of his predecessors, who used the same leniency in the causes of religious Orders or Families founded by them, granted a dispensation and allowed a fourth miracle.

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis - Official Commentary. Not a new, insignificant title deserving of great honor, about which a conspicuous and equally clear mention occurs in the Apostolic documents, which are promulgated on this most auspicious day; for the Four Virtuous Girls, having progressed through the discipline of the law-giving Mother and instructed in her spirit, are recognized and celebrated as true martyrs of Christ. This, certainly, adding intrinsically to the praiseworthy merit of the cause, illustrates and commends the dignity and excellence of the cause itself; and it is also an argument of the fact that, in the general assemblies of this Sacred Congregation, which were held before the Most Holy Lord on the seventeenth day of the past month of June, with a question proposed by the Most Reverend Cardinal Vincent Vannutelli, the Relator of the cause: "Whether, with the



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approval of virtues and three miracles, it is possible to proceed safely to the solemn Beatification of the venerable Servant of God, Louise de Marillac?" all those present, both the Most Reverend Cardinals and the Consultors, affirmed with ample votes that it is possible to proceed safely. Nevertheless, this unanimous affirmation was delayed by the Most Blessed Father, who meanwhile requested the Lord to be gracious and present to him in this most serious matter of decision. Finally, he chose this present Sunday, the fourth after Pentecost; and because the sacred matter had been previously devoutly prepared, he wished the Most Reverend Cardinals Anthony Vico, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Rites, and Vincent Vannutelli, Bishop of Ostia and Preneste, Dean of the Sacred College and Relator of the cause, to be summoned to the Vatican, together with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, the undersigned Secretary, and, with them present, he duly decreed: That it is possible to proceed safely to the solemn Beatification of the venerable Handmaid of God, Louise de Marillac. He ordered that such a Decree should be published, recorded in the acts of the Sacred Congregation of Rites, and that Apostolic letters, in the form of a Brief concerning the solemn Beatification, should be issued, and that the solemn Beatification should be celebrated, as soon as it is permissible, in the Vatican Basilica, on the eve of the ninth of July in the year 1919.

[Signed] A. CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the Sacred Rites. L.S. Alexander Verde, Secretary.

[*Latin ed. p. 329*]

To the Most Holy Congregation of Rites, III. Regarding the cause for the Beatification or Declaration of Martyrdom of the Venerable Servant of God, Mary Magdalene Fontaine, and three companions of hers from the Institute of the Ladies of Charity of Saint Vincent de Paul, and also of Mary Clotilde Angela from Saint Francis Borgia, and ten companions of hers from the Order of the Ursuline Nuns of Valenciennes.

Concerning whether the martyrdom is established, and regarding the cause of martyrdom, the signs, or miracles in the case, and the effect of what is alleged.

In this life, which is a pilgrimage on earth, especially for those who are not ashamed to abandon their orders and their vows, and who, since this age has begun to depart from true obedience to the Faith, and in which every kind of doctrine is spread abroad by the winds, the number of such has greatly increased, and these fifteen sacred Virgins are a great spectacle.

Of these, four belong to the Society of the Ladies of Charity: namely, Mary Magdalene Fontaine, Mary Francis Lanel, Theresa Fantou, and Joanna Gerard; the remaining eleven are from the Order of the Ursuline Nuns, and they bear these names: Mary Clotilde of Saint Francis Borgia, Mary Scholastica of Saint James, Anna Josephina, Mary Ursula of Saint



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Bernardino, Mary Aloysia of Assisi, Mary Laurentina of Saint Stanislaus, Mary Augustine of the Most Sacred Heart of Jesus, Mary Natalia of Saint Aloysius, Anna Maria, Mary Francis, and Mary Cordula of Saint Dominic.

These were condemned by an unjust judgment and subjected to extreme and inhuman torments, during the French Revolution, in the year one thousand seven hundred and ninety-four.

Indeed, because of the manifold and varied circumstances that this most famous affair brought forth, and because of the sad notoriety of the upheaval of public affairs that occurred in France at the end of the eighteenth century, it may seem a difficult task to recognize among so many thousands of people, who, as is known, were delivered to the flames during that terrible time, the true martyrs of Christ, and to venerate them.

Therefore, with regard to these fifteen venerable Servants of God, in order that easy access might not be afforded to doubts and ambiguities, it was deemed necessary, first of all, to establish with certainty, under the guidance of the Angelic Doctor, what truly constitutes the cause of Christian martyrdom.

[*Latin ed. p. 330*]

Acts of the Apostolic See - Official Commentary 330. Here, having proposed to examine the question: Whether faith alone is the cause of martyrdom? he, using his laudable and customary method of argumentation, indicated what he considered to be the correct view, with these words: "I answer that martyrs are called witnesses; because they, 'indeed, with their bodily sufferings even unto death, give testimony to the truth, not to any truth, but to that truth which, according to piety, has been made known to us through Christ; hence, martyrs of Christ are called witnesses of Himself. And such is the truth of faith. And therefore, the cause of any martyrdom is the truth of faith. But the truth of faith does not pertain only to the inner belief of the heart, but also to outward profession. This profession is made not only through words, by which someone confesses his faith, but also through actions, by which someone shows that he has faith, according to that in James, II, 18: 'I will show you my faith by my works.' And therefore, it is said of some, in Titus, I, 16: 'They profess that they know God,' but in their actions they deny Him. And therefore, all the works of virtue, insofar as they are referred to God, are a kind of profession of faith, by which it becomes known to us that God requires such works from us, and that He will reward us for them. And according to this, they can be the cause of martyrdom" (2, 2, question 124, article 5).

Having established and firmly concluded these premises, the Angelic Doctor proceeded as follows: "Therefore, to the first point, it is to be said that a Christian is called one who belongs to Christ. Someone is said to belong to Christ not only because he has the faith of Christ, but also because he proceeds in the Spirit of Christ to virtuous works, according to that



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in Romans, VIII, 9: 'If anyone has not the Spirit of Christ, he is not His'; and also because, in imitation of Christ, he dies to sins, according to that in Galatians, V, 24: 'They who belong to Christ have crucified their flesh with its vices and passions.' And therefore, a Christian suffers not only he who suffers for the confession of faith, which is made through words, but also whoever suffers for doing any good work, or for avoiding any sin, for Christ's sake; because this good pertains to the profession of faith" (loc. cit.).

This clear and perspicuous doctrine, as is his custom, transmitted by the Angelic Doctor, was easily transferred to both causes under consideration, and adapted. And in order to do so, it was not necessary to address them specifically as causes of martyrdom, since it did not appear that prudent, cautious, and thoroughly safe men could entirely trust them; indeed, even after considering them, and after examining all other matters pertaining to the same subject, along with the particular circumstances of the events, places, and persons involved, as each one actually happened, it was possible to gather and take sufficient elements.

[*Latin ed. p. 331*]

331 The Holy Congregation of Rites, by means of which the necessary power was obtained, required a demonstration of the cause of martyrdom, either on the part of the tyrant or persecutors, or on the part of the venerable Handmaids of God; such a cause, indeed, which, according to the doctrine of the holy Thomas Aquinas, can be considered suitable and appropriate in the case and for the effect of which we are speaking. Thus, the matter, which had been instituted five years ago, after a lengthy discussion, was able to progress and be resolved. Before the preparatory Congregation, one and another preparatory Congregation took place; and on the seventeenth day of the past month of June, before the Most Holy Pope Benedict XV, a general Congregation was convened, in which the Most Reverend Cardinal Vincent Vannutelli, the Relator of the cause, proposed the following question for discussion: Whether it is established that there is martyrdom and a cause of martyrdom, with signs or miracles, in the case and for the effect of which we are speaking? The Most Reverend Cardinals and Fathers Consultors, each in turn, gave their votes; but, with all of them being joyful and studious in spirit, the Most Holy Pope, according to His supreme judgment, decided to postpone His own judgment, realizing the weight of the matter, and took time to implore divine assistance. When He had decided to pronounce His judgment, He appointed the fourth Sunday after Pentecost as the day; and therefore, after the sacred Mysteries had been devoutly celebrated, He wished to summon the Most Reverend Cardinals Anthony Vico, Bishop of Porto and Santa Rufina, Prefect of the Congregation of Sacred Rites, and Vincent Vannutelli, Bishop of Ostia and Preneste, Dean of the Sacred College and Relator of the cause, together



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with the Reverend Father Angelo Mariani, General Promoter of the Faith, and myself, the undersigned Secretary, and in their presence, He solemnly declared: That it is established that there is martyrdom and a cause of martyrdom of the venerable Handmaids of God Mary Magdalene Fontaine and three of her companions, as well as Mary Clotilde Angela of St. Francis Borgia and ten of her companions, so that it may proceed to further steps, in the case and for the effect of which we are speaking. He ordered that this Decree be published and inserted into the records of the Congregation of Sacred Rites on the eve of the ninth of July in the year 1919.

A. CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the S. B. C.

L. VERDE, Secretary.

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE SACRED APOSTOLIC PENITENTIARY TRIBUNAL

A DOUBT CONCERNING THE POWER TO ATTACH INDULGENCES TO ROSARIES, PRAYER CROWNS, ETC.

The Reverend Father Edward Joseph Hanna, Archbishop of San Francisco in California, recently proposed that the following doubt be resolved, which reads as follows: "Is it permissible for Bishops to grant to the priests of their diocese the power to bless rosaries, etc., in such a way that indulgences may be attached to them, according to the rites prescribed by the Church, as stated in canon 349, § 1, n. 1?"

The Sacred Apostolic Penitentiary, after mature consideration, decided that the answer should be: Negative.

This opinion, having been reported to His Holiness Pope Benedict XV, the Most Holy Father deigned to approve it and ordered that it be made public.

Given in Rome, on this 18th day of July, 1919.

O. CARD. GIORGI, Major Penitentiary.

L. © S. F. Borgongini Duca, Secretary.

[*Latin ed. p. 333*]

From the Roman Curia Diary, 333. SECRETARY OF THE ROMAN CURIA - STATE OFFICE. By means of tickets from the Secretary of State, the Holy Father has deigned to appoint: July 5th; July 6th; July 7th; July 19th; 1919. The Most Reverend Cardinal Gennaro Granito Pignatelli di Beimonte, Protector of the Order of the Minim Friars. The Most Reverend Cardinal Oreste Giorgi, Protector of the Institute of the Daughters of the Holy Virgin. The Reverend Father Frederick Callori, his secret chamberlain. The Reverend Father Adriano Fortescue, of the diocese of Westminster,



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Consultor of the Holy Congregation "for the Oriental Church." The Most Reverend Cardinal Gennaro Granito Pignatelli di Beimonte, Protector of the Institute of the Tertiary Capuchin Sisters "of the Divine Shepherd." By Apostolic Briefs, the Holy Father has deigned to appoint: Assistant to the Papal Throne: June 25th, 1919. Monsignor Giovanni Gallacher, Bishop of Goulburn. Apostolic Protonotaries *ad instar participantium*: August 27th, 1918; March 21st, 1919; July 6th, 1919. Monsignor Ladislao Leone Koglarski, of the diocese of Lublin. Monsignor Eusebio Brzeziewicz, of the archdiocese of Warsaw. Monsignor Michele De Andrea, of the archdiocese of Buenos Aires. Monsignor Emanuele Alvarado, of the archdiocese of Guadalajara. Domestic Prelates of His Holiness: August 6th, 1918; March 21st, 1919. Monsignor Carlo A. Parent, of the diocese of London. Monsignor Wladislao Kepinski, of the archdiocese of Warsaw.

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis - Commentarium Officiale April 5 » » 22 » » » 23 » May 3, June 21, June 30 » » » » » July 6, July 14 » » » 1919. Mons. Guglielmo Ketcham, of the diocese of Oklahoma. » Mons. Giacomo N. Connolly, of the archdiocese of New York. » Mons. Pietro J. Mac Keon, of the diocese of London. » Mons. Tommaso West, of the same diocese. » Mons. Carlo E. Mac Gee, of the same diocese. » Mons. Daniele Guglielmo Lynch, of the diocese of Duluth. » Mons. Alessandro Bernabai, of Rome. » Mons. Alfredo Lemée, of the diocese of Séez. » Mons. Arturo Stapylton Barnes, of the diocese of Northampton. » Mons. Andrea Killiam, of the diocese of Wilcannia-Forbes. » Mons. Michele Cano, of the archdiocese of Guadalajara. » Mons. Francesco Fazzari, of the diocese of Gerace. » Mons. Gaetano Audino, of the same diocese. HONORS With Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of the Golden Militia, also known as the Order of the Golden Spear: July 21, 1919. To Mr. Luigi M. de Sousa Rebello Vahia, Viscount of S. Giovanni da Pesqueira. July 21 » » » » The Commander's Cross of the Order of Saint Gregory the Great, civil class: 1919. To Mr. Count Stanislao Colacicchi, exempt from the Noble Guard. » To Mr. Marquis Alfonso Varano, exempt from the Noble Guard. » To Mr. Commissioner Paolo Croci, Chamberlain of Sword and Cape of rank. The Grand Cross of the Order of Saint Gregory the Great, civil class: June 25, 1919. To Mr. Doctor Ottone von Muhlberg, formerly Minister of Prussia at the Holy See. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: April 1, 1919. To Mr. Knight Edoardo L. Hearn, Supreme Commissioner in Europe of the Knights of Columbus during the war.

[*Latin ed. p. 335*]

Diarium Romanae Curiae 335 Concerning the Commendatorship of the Order of Saint Gregory the Great, civil class: July 14, 1919. To Mr. Giulio



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Billiet, of the Archdiocese of Cambrai. To Mr. Doctor Guido Jockner, of the Archdiocese of Munich and Freising. To Mr. Baron Leone de Crouzas-Crétet, of the Archdiocese of Paris. To Mr. Giuseppe Delom de Mezerac, of the same Archdiocese. To Mr. Fénelon Gibon, of the same Archdiocese. The Knighthood of the Order of Saint Gregory the Great, civil class: June 21, 1919. To Mr. Doctor Pietro Antonio Giovanni M. Spaapen, of the Diocese of Harlem. July 3rd. To Mr. Doctor Giuseppe Fouchet, of the Diocese of Arras. July 8th. To Mr. Lawyer Pietro Vasquez Cisneros, of the Archdiocese of Guadalajara. To Mr. Lawyer Michele Palomar y Vizcarra, of the same Archdiocese. July 9th. To Mr. Lawyer Giacomo A. Flaherty, Supreme Knight of Columbus. To Mr. Lawyer Giuseppe C. Pelletier, head of the legal section of the Knights of Columbus. To Mr. Doctor Guglielmo P. Larkin, member of the Supreme Council of the Knights of Columbus. July 12th. To Mr. Gustavo Savignoni, of Rome. July 21st. To Mr. Count Florimondo de Liedekerke de Pailhe, of the Diocese of Liegi. The Knighthood of the Order of Saint Gregory the Great, military class: July 25, 1919. To Mr. Salvatore Ciprotti, lieutenant of the Pontifical Gendarmerie. To Mr. Vincenzo Crisanti, lieutenant of the Pontifical Gendarmerie. The Grand Cross of the Order of Saint Sylvester the Pope: July 1, 1919. To Mr. Carlo Lemgruber Kropf, formerly counselor of the Embassy of Brazil to the Holy See.

[*Latin ed. p. 336*]

Acta Apostolicae Sedis - Official Commentary 336

**"MAGGIORDOMATO OF HIS HOLINESS**

With the tickets of His Eminence, the Major Domo, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

June 25, 1919.

Most Reverend Monsignor Lorenzo Giuseppe Dijkmans, of the diocese of Bois-le-Duc.

June 26, 1919.

Most Reverend Monsignor Luigi Martinelli, of the archdiocese of Lucca.

July 3, 1919.

Most Reverend Monsignor Federico Salvati, of the diocese of Capaccio Vallo.

July 3, 1919.

Most Reverend Monsignor Giuseppe M. Reigadas y Antigua, of the diocese of Pinar del Rio.

July 3, 1919.

Most Reverend Monsignor Guglielmo Gonzalez y Arocha, of the same diocese.



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July 3, 1919.

Most Reverend Monsignor Gerardo Ortega y Gonzalez, of the same diocese.

July 10, 1919.

Most Reverend Monsignor Mariano Blaha, of the diocese of Scepusio.

July 18, 1919.

Most Reverend Monsignor Giuseppe Botta, of the diocese of Biel.

July 18, 1919.

Mr. Antonio Okolo-Kulak, of the diocese of Riga.

Extraordinary Chamberlains of Sword and Cape of His Holiness:

July 3, 1919.

Mr. Riccardo Sella, of the archdiocese of Turin.

Honorary Chamberlains in Purple of His Holiness:

June 26, 1919.

Most Reverend Monsignor Silvio Pierantozzi, of the diocese of Corneto and Civitavecchia.

July 21, 1919.

Most Reverend Monsignor Giuseppe Carinci, of the diocese of Veroli.

July 21, 1919.

Most Reverend Monsignor Stefano Sciolli, of the diocese of Fossano.

Honorary Chamberlains of Sword and Cape, Extraordinary, of His Holiness:

July 3, 1919.

Mr. Lorenzo Dufour, of the archdiocese of Genoa.

July 3, 1919.

Mr. Camillo Antonini, of Rome.

July 3, 1919.

Mr. Marchese Agostino Fernandez de Peñaranda y de Angulo, of the diocese of Madrid.

July 3, 1919.

Mr. Alfredo Stagni (Alexandria, Egypt).

NECROLOGY

July 3, 1919.

Most Reverend Monsignor Dionisio Avila, Bishop of La Paz (Bolivia).

[*Latin ed. p. 337*]

Year XI - Vol. XI, No. 10, September 1, 1919.

**ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY.**



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## ACTS OF POPE BENEDICT XV.

APOSTOLIC CONSTITUTION OF SAINT SEBASTIAN OF RIO DE JANEIRO, CONCERNING THE ERECTION OF THE DISTINGUISHED BENEDICTINE CANONICAL CHURCH.

BENEDICT, SERVANT OF THE SERVANTS OF GOD, TO THOSE WHO WILL READ THESE THINGS, GREETINGS.

By legitimate letters, recognized and approved by the Ordinary of Saint Sebastian of Rio de Janeiro, the pious man Emmanuel Vieira dos Santos, in the year one thousand nine hundred and sixty-four, donated the substantial sum of forty thousand cruzados to the venerable confraternity erected in that city, named after Saint Peter the Apostle, and established in the church of the same name, with the following conditions: that, after deducting two thousand cruzados, to be allocated to specific expenses, the remainder be invested in a safe and useful manner, to create and maintain a choral service consisting of five chaplains, who would perform the daily and nightly office with sung Mass, according to the manner of Canons, in the aforementioned church of Saint Peter; and, furthermore, that the capital sum would gradually increase through the accumulation of its fruits, so that the number of chaplains and the choral service could gradually increase.

Moreover, the pious man desired that the administration of the bequeathed funds and the active patronage over the chaplains and their choir should belong to the confraternity, while his relatives would have a passive patronage, according to the laws contained in the aforementioned letters.

ACTS, Vol. X, No. 1, September 9, 1919.

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis - Official Commentary. The works undertaken by the Sodalitas have been so beneficial that the principal endowment and the number of choir members have been remarkably increased. Therefore, the esteemed Directors of the aforementioned Fraternity, with the support of Our beloved son, Joachim, of the titles of Saints Boniface and Alexis, Reverend Cardinal Arcoverde de Albuquerque Cavalcanti, Archbishop of Fluminis Ianuarii, with the favorable vote of the Metropolitan Chapter, to which the recommendation of the Apostolic Nuncio to the Republic of Brazil was also added, requested that the choir of chaplains be transferred to the Chapter of Canons and elevated to the rank of Collegiate Church. We, with Our beloved son, Reverend Cardinal, Secretary of the Sacred Congregation of the Consistory, having before Our eyes all that has been explained thus far, and considering the dignity, amplitude, instruction, adornment, and endowment of the Church of the Apostle Peter, all of which contribute to the splendor of a Collegiate Church, deemed the



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offered petitions worthy of being received and decreed accordingly. Therefore, by these present Letters, by the fullness of Our Apostolic authority, We also grant, as may be necessary, that those who are present, or who may presume to be present, with their consent, the choir of chaplains of the aforementioned Church of the Apostle Peter be established and constituted as a Chapter of Canons, and We elevate the aforementioned church to the rank of Collegiate Church, with all the rights, privileges, honors, and offices that are proper to other Collegiate Churches and Chapters, according to the law and the Code of Canon Law, and with the following specific provisions: that there be sixteen Canons, of whom four shall be Dignitaries, the first being the President, the second the Archpriest, the third the Prefect, the fourth the Grand Chaplain, and two Offices, the Penitentiary and the Theologian, who shall precede the other simple Canons in order. The simple Canons shall be six of the sacerdotal order, two of the diaconal order, two of the subdiaconal order; and we also establish and erect eight choral benefices or prebends, so that there may be eight priests holding prebends to assist the Canons, as is the custom in other Chapters. Furthermore, We grant that, upon the erection of the aforementioned Collegiate Church, Our beloved son, Joachim, of the titles of Saints Boniface and Alexis, Reverend Cardinal Arcoverde de Albuquerque Cavalcanti, on this occasion only, without the need for any other Apostolic Letters and without the concurrence required for the Offices of Penitentiary and Theologian, may canonically confer the Dignities, Offices, Canonicates, and Prebends. However, for future vacancies, the granting of the aforementioned Dignities shall be the prerogative of the Apostolic See, while the other benefices shall be granted according to the prescriptions of the new Code.

[*Latin ed. p. 339*]

The acts of Pope Benedict XV, number 339, are to be consulted, but with the reservation of the right of passive patronage for relatives of the Founder, according to the will of that same Founder. After carefully considering all matters, and with a special grace, as an example not to be imitated, we benignly grant that, after a commendable thirty years of choral service, the aforementioned Dignitaries, Canons and Mansionaries, may obtain from the Holy Congregation of Councils a dispensation of jubilation. But these things which have been decreed by Us with Apostolic authority, it is permitted to no one, at any time, to infringe, or to oppose, or in any way to contradict. If anyone, may God prevent it, should presume to attempt this, let him know that he will be subject to the penalties prescribed by the sacred canons against those who obstruct the exercise of ecclesiastical jurisdiction. To all of these matters, We entrust for execution the venerable brother Angelus Hyacinthus Scapardini, Archbishop ad titulo Damasceni, Apostolic Nuncio in the Republic of Brazil, and We grant him the necessary and



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appropriate powers, including the power to delegate to any other person of ecclesiastical standing, in order to effect what is mentioned herein, and to definitively pronounce on any opposition that may arise in the course of execution, with the obligation imposed upon him within six months from the date of these Letters, to transmit to the Sacred Congregation of Councils a certified copy, duly authenticated, after the execution has been completed. Finally, We declare that these present Letters shall be valid, notwithstanding any contrary provisions, even those specifically and expressly mentioned or derogated from. Given at Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and ninety-one, on the sixteenth day of the month of May, in the fifth year of Our Pontificate.

**O. CARD. CAGIANO C. S. B. E.**

Cancellarius.
Raphaël Lodovicus Loco Virili,
Protonotarius Schüller, Apostolicus.
Protonotarius Plumbi Beg.
in Cane. Ap., vol. X VIII, n. 29.
DE LAI, Ep. Sabinensis.
Secret. S. Congreg. Consistorialis.
CARD. Apostolicus.

[*Latin ed. p. 340*]

340 Acts of the Apostolic See - Official Commentary on the LETTER I to Anthony, Most Reverend Cardinal Mendes Bello, Patriarch of Lisbon, and to the other Archbishops and Bishops of Lusitania, "CONCERNING THE PROPER METHOD FOR ADDRESSING THE AFFAIRS OF THAT CHURCH." Beloved sons and venerable brothers, greetings and the apostolic blessing.

It has always been our hope that, with God's favor, the affairs of the Lusitanian Church would improve, and this hope has been confirmed by the letters you recently sent to us. In these, we not only recognized your outstanding piety towards the Vicar of Christ, but we also learned with great pleasure of the resolutions adopted and the studies undertaken by you in your annual assembly. Indeed, there is no doubt that this pastoral prudence and concord will be very fruitful for Lusitania; in this, our esteemed representative will diligently assist you.

Now, there are two matters which we wish to commend to your particular attention. First, it concerns the education of young clerics; for this holds the greatest promise for the restoration of this matter of faith, and you must, of course, take the utmost care to ensure that they not only become worthy of their sacred vocation, but are also suitably prepared for the needs of



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the people. In this regard, we certainly need not urge you to allow chosen members of your clergy to be educated for the priesthood in the esteemed College of this city in Lusitania. For, since nowhere else is there a richer provision for young people devoted to the cultivation of piety and doctrine, and since this College itself represents a special bond between your union and this Apostolic See, to which we know you are devoted in example.

Furthermore, since much can be achieved in both directions by what is written daily or on certain days, you must be vigilant to ensure that even these means are used wisely and prudently by Catholics to defend the principles and institutions of Christianity; for there is a danger that, through imprudence, they may hinder rather than help the cause of religion.

As for the Code, we are fully confident in your prudent study and consideration; and if you find any particular difficulty in any matter, we certainly do not wish to deny you the maternal indulgence of the Church. Since the laws of the Church must not only not conflict with the laws of the state, but must also be in harmony with them, it is clear that their discipline, from which the tranquility of public order arises...

[*Latin ed. p. 341*]

The acts of Pope Benedict XV show that it is strengthened by religion, as if religion were its foundation. For, "A gradual canticle of Solomon. Unless the Lord build the house, they labour in vain that build it. Unless the Lord keep the city, he watcheth in vain that keepeth it." In this, you, who act as advocates for the holy Church, will certainly demonstrate your common love for your homeland. And We, as a witness to divine grace and the supreme benevolence of Our own, impart to you, our beloved sons and venerable brothers, and to your entire clergy and people, Our most fervent apostolic blessing. Given at Rome, near the blessed Peter, on the feast of the Principal Apostles, in the year 1919, the fifth year of Our pontificate. BENEDICT XV.

TO THE REVEREND FATHER PAULIN LADEUZE, RECTOR, AND ALSO TO THE ROYAL PROFESSORS OF THE UNIVERSITY OF LOVAIN: CONCERNING THE RESTORATION OF THE ECCLESIASTIC PRIORY.

Beloved sons, health and Our apostolic blessing.

Although, concerning the most grievous war, in whose very beginning We undertook Our pontificate, it was not permitted for you, because of the ruin of your homeland and the destruction of your university, to address Us in common letters, there was no doubt in Our mind that you were disposed towards Us as loving sons should be. Now, reading your letter, We are wonderfully delighted by the beautiful expression of piety and obedience towards Us and this Apostolic See; which is all the more pleasing to Us, because We know that you have fiercely resisted those wicked men who sought to alienate you from Us. For, while, deeply affected by the sorrows



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of all, We strove to do everything in Our power to bring about the end of so great a conflict, and while We endeavoured to alleviate every kind of misery, it increased Our grief to see that there were those who, with odious suspicions, stained or even unjustly accused Our plans, endeavours, and undertakings. Therefore, it is fitting that you have stated: in the most bitter conflict of war, which was joined with so much offense to the spirit, We, from Our very awareness of being a common parent, since many on both sides were children of the Church, were obliged to follow the course of action that would lead Us to appear to strive for both sides, and in this way, without just suspicion, We could benefit all; while We applied this principle of equality to...

[*Latin ed. p. 342*]

342 Acta Apostolicae Sedis - Official Commentary: To all, but with particular concern for Belgium, and We have always decreed that it must be restored to its former state above all else. Knowing this to be openly acknowledged by you, We hope that those simple and uneducated individuals whom those most malicious slanders have deceived, will finally abandon their error. And We wish you to be certain that We are most concerned about the restoration of this University, which is of the utmost importance to your affairs; indeed, the description you have given us of its condition deeply moves Us, as We contemplate the grievous wounds it has suffered as a result of the war. We understand that it is of great importance to the honor and benefit of the name of Belgium that this most noble center of learning be restored as quickly as possible; and indeed, We have already contributed something, as you yourselves remember, and We will not allow anything to be lacking, whatever may be within Our power. Furthermore, We commend the cause of Belgium, which is the same as Ours, to God with great fervor, and We pray that He may, through His goodness, wipe away all tears from your eyes. As a witness to the divine blessings and to Our own special benevolence, We impart to you, beloved sons, and to all your students, Our apostolic blessing with all Our love.

[*Latin ed. p. 343*]

The Acts of Pope Benedict: "XY 343 will expand and transform it into a more perfect organization, under the title of the "Institute for Philosophical and Religious Studies," attached to the Gregorian University, governed by the Council of that same University, and supported by the professors of the same institution. This new Institute will have no other aim, as you have declared to Us, than to radiate the serene light emanating from the Chair of Saint Peter upon the cultivated minds of our contemporaries, and to awaken a host of sound and vigorous energies for the cause of religion and the Church. There is no doubt that such intentions will achieve their full realization, given the valor and zeal of the governing and teaching



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body, the proven good will of the students, as well as the seriousness and appropriateness of the program. Therefore, we feel that our initial hopes for this undertaking are even greater, and we understand that we can rightfully expect from this wise initiative the most significant contribution to the Christian restoration of the intellectual portion of society. How necessary this contribution is will be readily understood when one considers that, while We, in the fulfillment of Our divine mission, do not cease, with the help, especially, of bishops and the clergy, to spread throughout the earth and to instill in minds and hearts the truth of Christian doctrine, according to the divine mandate: *Praedicate Evangelium omni creaturae* [Preach the Gospel to every creature], the enemies of the Church strive with incessant perseverance to cover the ground that We have sown with the good seed of the Gospel with tares, that is, with all sorts of prejudices and errors, and in order to better reach the vast mass of the ignorant and simple multitudes, they take as their primary target the educated classes, and with deceptive theories, they breach their defenses in the Universities, in the press, and in public discourse. Therefore, We consider the founding of a center for higher philosophical and religious study for the laity to be providentially opportune and, more than ever, suited to our age, particularly in this beloved city, which, being the center of Christianity and the residence of the supreme Hierarch of the Catholic Church, must be, with regard to the lay faithful, like a beacon of light to the entire world in the profound knowledge and fearless defense of our holy religion. Regarding this aforementioned philosophical and religious instruction for the laity, beloved son, We have expressed to you sentiments of paternal approval and flattering confidence; and after this, We do not wish to omit paying the well-deserved praise to you and your deserving colleagues, as well as to all those willing students who, during the past year, by attending the school diligently and studiously, corresponded faithfully and with love to Our desires, to your commendable efforts, and to the sublime aims of the worthy institution, and showed that they knew how to: ”

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis - Commentarium Officiale: We appreciate the value of that science which assures us of eternal truth and eternal good, and from which the wretched world deviates into error, ignorance, and unhappiness. As a testament to paternal benevolence and in anticipation of heavenly assistance, which we invoke abundantly upon the Institute being established, we impart, from the heart, to you, beloved son, to the teaching staff, and to the individual students, the apostolic blessing. From the Vatican, July 20, 1919. BENEDICTUS P. P. XV

TO THE MOST REVEREND FATHER MARTIN HIERONYM, ARCHBISHOP OF BITURIGENSE, UPON THE FIFTIE anniversary, A GOLDEN CROWN WAS PLACED UPON THE IMAGE OF OUR LADY BY THE



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HOLY HEART OF JESUS IN THE BASILICA OF EXOLDUN, AUREA.

Venerable brother, greetings and the apostolic blessing.

Among the Marian shrines, by which Gallia is happily ennobled, the Basilica of Exoldun rightly holds a most distinguished place, having been founded by the most pious man, Father Jules Chevalier, founder of the Society of the Sacred Heart Missionaries. For it was there that the sacred image of Our Lady of the Sacred Heart was publicly dedicated for veneration, and a sodality was established. "So great has been the progress of this devotion, through the zeal of these religious, especially of the General Moderators – among whom it is fitting to mention the beloved son, Eugene Meyer, who now presides over the same Society – that it has spread wonderfully not only throughout Europe, but also to distant regions. Now, it is opportune that the fiftieth anniversary is approaching since the Most Illustrious Archbishop of Biturigen, Charles A. de la Tourd'Auvergne, in the name of our deceased predecessor, Pope Pius IX, placed a golden crown upon that august image. Indeed, we rejoice that, as we are informed, the most solemn celebrations are being prepared, and that you have addressed pastoral letters to your flock concerning this matter; and we hope that, with crowds of good pilgrims, led by Bishops, from all sides converging upon the image of the Virgin, all may entrust the Church of God, laboring in these difficult times, to Him. And certainly, the abundance of benefits which, through the kindness of the Divine Mother, has flowed to the Christian people, especially after the recent war, is so great that there is no doubt that everyone will feel a profound gratitude, which is expressed in the crown.

[*Latin ed. p. 345*]

The acts of Pope Benedict XV, page 345, may the most beautiful splendor shine upon the summit of his glory. In the meantime, in order to increase the blessed fruit of this matter, we willingly grant the following: I) That whoever enters any church or chapel on the eighth day of the next month of September, where a sodality is established which is associated with the Archsodality of Our Lady of the Most Sacred Heart of Jesus, may all of them obtain a plenary indulgence, under the usual conditions of the Church; II) That all those who have received this plenary remission of sins may obtain it as many times as they visit the Basilica of Exodus; III) That all priests may enjoy the privilege of the altar who celebrate the sacred rites on that day in the same Basilica; IV) That the Cardinal or Archbishop of the Holy Roman Church, who presides over the sacred ceremonies, may impart the papal blessing. And as a witness to the divine benefits and the special benevolence of Our own, we most lovingly grant to you, venerable brother, to your clergy and people, and especially to our beloved son, Eugene Meyer, and to the entire family of him, the apostolic blessing. Given in Rome, at Saint Peter's, on the fifteenth day of the month of August, in the feast of the Blessed Virgin Mary, assumed into heaven, in the year 1919, in the fifth



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year of Our pontificate. BENEDICT PP. XV.

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis - Official Commentary ACTA OF THE HOLY CONGREGATIONS SACRED CONGREGATION CONSISTORY I DECLARATION CONCERNING THE NATURE OF QUASI-PAROCHIAL OR MISSIONARY ENTITIES IN CERTAIN DIOCESES AFTER THE PROMULGATION OF THE CODE OF CANON LAW. In certain dioceses, which, before the Constitution *Sapienti consilio*, were subject to the jurisdiction of the Holy Congregation of Propaganda Fide, and which subsequently were transferred to the common law, certain doubts arose concerning the nature of the quasi-parochial or missionary entities into which these same dioceses are divided, and concerning the rights and duties of the rectors of such entities. The Sacred Congregation, having heard from the Ordinaries of most of the aforementioned dioceses and having carefully considered the matter, has decided to declare the following:

I. From Canon 216 of the Code of Canon Law, it is clear that the portions of a diocese, to which a particular rector is assigned for the care of souls, ought to be considered and called parishes in the future; reserving the designation of quasi-parochial or missionary entities for those portions into which vicariates apostolic and apostolic prefectures are divided, for the care of souls.

II. For the establishment of parishes, it is indeed required that the Ordinary issue a decree by which the boundaries of the territory, the parochial church, and the endowment, both for worship and for the support of priests, are determined; it is not, however, necessary to assign an immovable position to the rector; rather, if just causes are present, the possibility of removability can be declared in the very decree of establishment, according to canons 1411, § 4, 454, § 3, and 1438.

III. If a small or fluctuating number of the faithful, or the absolute lack of a suitable endowment, do not favor the erection of certain churches into parishes, such churches should be considered as subsidiary or chapels within the boundaries of a parish, and shall remain under the jurisdiction and dependence of that parish, until they can attain proper parochial status.

IV. When establishing and erecting parishes, those things which are established in the Code should be kept in mind, namely canons 1409, 1410, and 1415, § 3.

V. Furthermore, once the erection has been canonically completed, the pastor of the parish, whether he is called a parochus or a vicarius oecono-



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mus, are obligated to apply [the relevant provisions].

[*Latin ed. p. 347*]

The Sacred Congregation Consistorial [has decreed] 347 concerning Masses for the people; the pastors of subsidiary churches or chapels are excused [from certain obligations]. Should this burden be found to be too heavy, recourse must be made to the Holy See for a suitable reduction. In Rome, from the offices of the Sacred Congregation Consistorial, on the 1st of August, 1919.

[Signed] C. CARD. DE LAI, Bishop of Sabina, Secretary. L. V. Sardi, Archbishop of Caesarea, Assistant.

II. PROVISIONS REGARDING CHURCHES. By the decrees of the Sacred Congregation Consistorial, the Most Holy Pope Benedict XV has provided for the following churches, namely:

July 31, 1919. — To the titular archiepiscopal church of Mocissa, he appointed the Reverend Father Adulphus Fritzen, formerly Bishop of Strasbourg.

— To the titular archiepiscopal church of Attalia, he appointed the Reverend Father Willibrord Benzler, formerly Bishop of Metz.

August 1st. — To the cathedral church of Strasbourg, he appointed the Reverend Father Carolus Iosephus Eugenius Ruch, formerly Bishop of Nancy and Toul.

— To the cathedral church of Melo, he appointed the Reverend Father Ioannes Baptista Pelt, a domestic prelate of His Holiness, and the general vicar of that diocese.

— To the titular episcopal church of Madaurus, he appointed the Reverend Father Ignatius Le Ruzic, formerly Bishop of Les Cayes.

August 9th. — To the metropolitan churches of Fogaras and Alba-Iuli, of the Greek rite united with the Holy Roman Church, he appointed the Reverend Father Basilius Suciu, formerly the capitular vicar of that archdiocese.

August 13th. — To the titular episcopal church of Orthosia, he appointed the Reverend Father Hippolytus Uiivelli, of the Order of Friars Minor, whom he established as the apostolic vicar of the Gran Chaco region.

— To the titular episcopal church of Catenna, he appointed the Reverend Father Raimundus Calvo, of the Order of Friars Minor, whom he established as the apostolic vicar of the El-Beni region in Bolivia.

August 18th. — To the abbey of the Most Holy Trinity of Cava de' Tirreni, which belongs to no diocese, he appointed the Reverend Father Placidus M. Nicolini, O.S.B., of the primitive Cassinese Congregation, formerly the



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abbot of the monastery commonly called Fraglia.

[*Latin ed. p. 348*]

Acts of the Apostolic See - Official Commentary 348 III NOMINATION 26 August 1919. — The Most Holy Father, Pope Benedict XV, appointed the Reverend Father August Curi, Bishop of Galiena and Pergulán, as Apostolic Administrator of the diocese of Macerata. IV APPOINTMENT OF ORDINARIANS FOR APPEALS ACCORDING TO CAN. 1594, § 2 According to canon 1594, § 2 of the Code of Canon Law, for appeals: The Most Reverend Archbishop of Cologne appointed the Ordinary of Muenster. The Most Reverend Bishop of Nancy and Toul appointed the Ordinary of Nancy and Toul. The Most Reverend Bishop of Lisbon appointed the Ordinary of Evora. The Most Reverend Bishop of Salzburg appointed the Ordinary of Vienne. The Most Reverend Bishop of Olmutz appointed the Ordinary of Regina-Gradisca. The Most Reverend Bishop of San Francisco in California appointed the Ordinary of Monterrey and Angelorum. The Most Reverend Bishop of Quebec appointed the Ordinary of Trois-Rivières in Canada. The Most Reverend Bishop of Bari appointed the Ordinary of Trani and Barola. The Most Reverend Bishop of Brindisi appointed the Ordinary of Bari. The Most Reverend Bishop of Lanciano appointed the Ordinary of Penne and Atri. The Most Reverend Bishop of Taranto appointed the Ordinary of Bari. These appointments were approved by the Most Holy Father, Pope Benedict XV. APPOINTMENT OF ORDINARIANS FOR APPEALS OF BISHOPS IMMEDIATELY SUBJECT TO THE HOLY SEE. By virtue of canon 1594 of the Code of Canon Law and Article V of the decree of the Sacred Congregation of Councils, published on February 15, 1919, concerning the election of the court of second instance: The Most Reverend Archbishop of Amalfi appointed the Ordinary of Salerno.

[*Latin ed. p. 349*]

The Sacred Consistory Congregation, 349. The Most Reverend John Scotti, Archbishop of Rossano, Ordinary of Santa Severina. The Most Reverend Francis Moretti, Bishop of Interamna and Narni, Ordinary of Spoleto. The Most Reverend Andrew Gassulo, Bishop of Fabriano and Matelica, Ordinary of Gameria. These appointments were benignly approved by His Holiness Pope Benedict XV. In Rome, from the offices of the Sacred Consistory Congregation, on the 18th of August, 1919.

## SACRED CONGREGATION OF THE COUNCIL OF CUNEO, AND UTINE.

PREAMBLE:
May 17th, 1919.



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1. Since the Cathedral Chapter of Cuneo presented its statutes to the Bishop, so that he might reform them according to the norms of the newly promulgated Code, and the Bishop, eagerly undertaking this task, proposed suitable changes, all of which the Canons readily and willingly accepted, with the exception of one, which granted to the Vicar General, according to canon 370, § 1, "the right of precedence over all dignities and Canons of the cathedral church, even in the choir and in chapter acts, unless a cleric possesses the episcopal character, and the Vicar General lacks the same." The Prior, the first dignity of the Chapter in said cathedral, with the permission of his Bishop, appealed to the Sacred Congregation against this proposed modification of the statutes, presenting several arguments in favor of his own rights, and humbly requested a resolution of the following doubt: Whether the Vicar General of Cuneo has the right of precedence over the Prior of the cathedral church in this case.

**FACTS OF THE MATTER:**

While the discussion of the aforementioned doubt was already concluding, a nearly identical question arose in the Chapter of Utine: if, upon the arrival of...

[*Latin ed. p. 350*]

350> From the Acts of the Apostolic See: A certain dispute arose concerning a General Vicar, newly appointed among the Canons, who was vested in the canonical robes. Some of the chapter members believed that he was entitled to precedence over all chapter members, with the exception of those holding higher offices, according to canon 370; others, on the contrary, maintained that this right of precedence should be accorded to the General Vicar only if he appeared vested in his vicariate robes, but not if he appeared vested in canonical robes. This controversy was brought before the Archbishop, who responded in writing: "Since the Code, it is no longer necessary to resort to the ancient distinction between 'Canonists,' and therefore the General Vicar, even when appearing in choir as a simple Canon, must have precedence, while the rights of the first dignity remain unchanged." However, since the chapter members did not agree with this resolution, the same Archbishop referred the matter to this Holy Congregation, posing the question: Does the right of precedence over all dignities and canons of the cathedral church belong to the General Vicar when he is present in choir wearing canonical robes? The Prior of the parish of Cuneo argued that the aforementioned modification of the statutes had harmed the rights of the canonical Prior, concerning a benefice sought for a hundred years, contrary to canon 4. Indeed, from the bull of erection of the collegiate chapter, dated September 4, 1703, it is stated: "The Prior is the head of the collegiate church, and he has jurisdiction and precedence



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over the church, the choir, the chapter, processions, and all other acts and functions..." This is also confirmed by the bull of erection of the diocese, dated 1817, in which the collegiate church was indeed raised to the status of a cathedral, but all the ancient dignities were preserved with the same precedence as the canonical Prior; hence, even in the bull of provision for the current canonical Prior, dated 1889, it is stated that the Prior is the first dignity after the episcopal. Since these things are so, and since canon 370 does not in any way revoke contrary privileges, it seems that, according to canon 4, no change should be made in this case, either before or after the Code.

OBSERVATIONS. However, this argument is not without ambiguity. Certainly, no one disputes the right of the Prior of the parish of Cuneo to preside over the chapter meetings and to hold the first dignity within the chapter. This right is indeed recognized by the aforementioned bull of erection of the collegiate church (dated 1703) and is preserved by the bull of erection of the cathedral (dated 1817); but neither the Code inflicts any detriment upon this right, since it defines nothing regarding the order and number of dignities within the chapters, as is evident from canons 393 and 408. Therefore, just as it was said before the Code, so too it must be said after the Code that this variety concerning the number and order of dignities must continue, as was already testified by B. Raymond in his Summa, 1. III, title 27, § 5: "On this matter, there are as many differences as there are churches."

[*Latin ed. p. 351*]

Sacred Congregation of the Council 351: "There are varieties of customs": cf. also Council of Trent, Session 25, Chapter 6, on reforms. Thus, for example, some Chapters have one dignity, some have two, and some even have seven; likewise, for example, the dignity of Dean, which in Hispania is first, in Bavaria is second; the Archdeacon in Gallia is the first dignity, while in Austria it is sometimes considered the third. Therefore, nothing prevents, from the point of view of the Code, the Prior of the Parish in the Cathedral of Cuneo from having the first dignity. However, the question of the internal constitution of each Chapter is entirely independent of the question of defining precedence between persons, whether physical or moral. The norm or law is entirely mutable, and therefore, by its mutation, acquired rights are not abolished, although it can happen that someone who previously did not have precedence, afterwards does have it, and vice versa. Therefore, it is futile to object against the effects of a changed law, alleging that it does not abolish the acquired right, as prescribed by canon 4.

To understand this more fully, two things must be considered: first, that acquired rights pertain to individual, concrete persons, whether physical or moral; conversely, precedence is established between offices, functions,



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qualities, in the abstract (e.g., seniority, the priesthood, etc.). Therefore, if the law changes the order of precedence between different offices, it does not thereby abolish the rights acquired by the same persons holding those offices.

Furthermore, canon 4, concerning rights not abolished by the Code, is based on the principle that the law, by itself, does not act retroactively, or as is commonly said, does not have retroactive force, as stated in canon 10: "It concerns the future, not the past." However, this does not mean that a law cannot generally suppress a right that someone has in the future, while it is promulgated, but only that it cannot abolish a right that someone has in the future, depending on a past fact, while it can certainly abolish such a right in the future, if it is independent of any past fact.

For example, a deacon who, before the Code, received the collation to a parish, has an acquired right to that parish by the past fact of the collation: therefore, the law, canon 453, requiring for the office of parish priest the priesthood, and removing from deacons the capacity for that office, cannot, in fact, remove that capacity from that deacon, because, since it cannot act retroactively, it cannot abolish an acquired right, since to do so would be to abolish an acquired right if it were to claim to remove a capacity entirely dependent on a past fact.

Conversely, a man who was constituted in the fifteenth year of his age on the vigil of Pentecost in the year 1918 was capable of contracting marriage, a capacity that was certainly removed the following day by canon 1067 of the Code, requiring sixteen years of age. This was a case of suppressing in the future a right in no way dependent on a past fact, and therefore the law that removed that capacity did not, therefore, abolish an acquired right.

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis - The official commentary did not retroactively alter the established law. The reason why a young person of fifteen years of age is not capable of marriage is due to their present age, not a past action, because no one has ever had the right to marriage before the age permitted by the law itself. Similarly, in our case, the one who, being the highest dignity of the Chapter, had the right of precedence in the choir over the General Vicar, according to the law then in force; today, with this law changed and the precedence of the General Vicar established even over dignities, the same person, although still holding the highest dignity, can no longer claim the precedence he once had; because, indeed, this right was abolished for the future by the law, independently of any past action, but solely by the change in the law; for the highest dignity always had the right of precedence over those whom the law placed before it in terms of precedence. This could be made even more clear, if necessary, by considering that if this argument about the established right not being abolished were valid in this case, it would be valid for all and each Chapter,



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and therefore there would be no place for the prescription of canon 370 in any Chapter. Indeed, in all and each Chapter, the highest dignity, in choral and chapter functions, had precedence over the General Vicar who attended as a simple canon, before the Code. That the Code has, in fact, changed the right previously in force in this regard is manifest: indeed, the laws regarding precedence contained in the Code are evident from those laws which "entirely and completely order the 'matter' of the previous law" (canon 22) and therefore, according to canon 6, n. 1, they abolish any laws, whether particular or entirely contrary. Indeed, in the Code, the general norms are first found (canon 106), those clear and entirely reasonable norms which regulate this matter, and which are applied to specific and various functions, as is specifically the case in canon 370 regarding the office of the General Vicar. It is useless to search for something similar throughout the entire body of law (cf., e.g., canons 1 and 15, X, on major and obedience, I, 33; Extrav. Ioann., XXII, ibid.; Council of Trent, session XXV, canons 6 and 17 on appeals): where you will find only fragments, beyond which, to regulate the right of precedence, there was nothing left but a collection of resolutions of the Holy Roman Church, and custom and observance. It could only be gathered from the dense and intricate forest of decisions of the Holy Roman Church regarding the office of the General Vicar that the General Vicar should be given the first place before the Chapter, whether the Bishop was absent or present (although the latter was more controversial) if he intervened as the General Vicar and in his vicariate habit, but not if he acted as a canon and in his canonical habit. But this, besides being quite incongruous, since the General Vicar would be forced to either relinquish his place in the choir (in the first hypothesis); or relinquish his precedence (in the second), also...

[*Latin ed. p. 353*]

353 The Holy Congregation of Councils decreed everywhere that, since controversies, disputes, and quarrels concerning this matter did not cease, a universal remedy was found: it was necessary to adhere in this matter to the custom of each church (Ferraris, under the word "Vicarius Generalis"). Therefore, the Code justly arranged the entire matter in its entirety, not only defining the precedence concerning each individual office, but also establishing general principles from which those individual regulations should be judged. In our case, canon 370 applies these principles as stated in canon 106: "1) He who holds another's office obtains precedence; 2) He who has authority over persons, whether physical or moral, has the right of precedence over them." These two principles clearly apply to the office of the Vicar General with respect to any member or dignity of the Chapter, and also to the entire Chapter (cf. canon 368), since he holds the place of the Bishop and has jurisdiction over all and each cleric of the diocese, not excluding the canons and dignities of the cathedral church. Therefore,



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the matter concerning the precedence of the Vicar General, now newly arranged in its entirety according to these principles, must no longer take into account the obsolete distinction between the Vicar acting in a vicariate capacity, or rather, in a vicariate habit, and acting in a canonical capacity, or rather, in a canonical habit. Conversely, since, according to these principles, the Code justly denies the Vicar General precedence in the presence of a cleric bearing the character of the episcopate, insofar as he himself lacks that character, what was commonly taught by the Authors has completely ceased (cf. r. g., Leurenium, de Vic. Gener., q. 41): namely, that the Vicar General should precede other canons, even if some of them had received the consecration of a bishop. Furthermore, concerning the distinction between the vicariate habit and the canonical habit, it is not undeservedly suggested that it was devised to take away with one hand what was granted with the other. For the Doctors held that the Vicar General, unless he was wearing canonical habits, would not be entitled to occupy his stall and receive distributions (cf. Ventriglia, Prax., Lotter, De benef., I, q. 16, n. 6 3; Barbosa, De canon., c. 18, n. 32). In this way, precedence was denied to the Vicar General in the choir. For if the Vicar General is not a canon, he has nothing to do in the choir: for by the name "choir" is not meant a material place, but the office of those who perform the divine service in the place of the choir. Therefore, if the Code explicitly preserves precedence for the Vicar General even in the choir, it also preserves it for him even when, as a canon, he is present there wearing canonical habits according to canon 409, for he would not be considered present in the choir, but rather as absent from the choir, according to the aforementioned canon, if he did not appear in canonical habits. ACTA, vol. XI, Q. 10 — 1-9-919. 24

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis - Official Commentary

RESOLUTION. - The Most Holy Fathers, assembled in plenary session on May 17th, having considered the aforementioned doubts, decided to respond as follows: To both: affirmatively. This resolution was approved and confirmed by the Most Holy Pope Benedict, of Divine Providence, Pope, on the 15th, in a private audience, as reported by the undersigned Secretary of the Sacred Congregation.

I. MORI, Secretary.

## SACRED CONGREGATION FOR RITES

### OF THE DIOCESES OF NOCEROY AND SALERNO

CONCERNING THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, PHILOMENA JOANNA GENOVESE, OF THE



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THIRD ORDER OF SAINT FRANCIS.

In the city of Nozeroy, Philomena Joanna Genovese, born of the Third Order of Saint Francis, lived a holy life and died piously on December 12th, 1864, at the age of twenty-nine years. Her body now rests in the church of the Convent of the Order of Friars Minor, dedicated to Saint Mary of the Angels.

This Virgin, pure in mind and body, flourished like a flower, spreading the fragrance of her virtues everywhere, her innocence and penance wonderfully united. Born to pious and honest parents, Paul Genovese and Mary Petrorino, on October 29th, 1835, she was immediately regenerated by the sacrament of baptism. From her infancy, she showed signs of future abstinence, and, averse to childish games, she sought solitude, where she willingly repeated the Our Father, the Angelic Salutation, and other prayers before God. At the age of seven, when a heavy rain flooded the city, she miraculously escaped unharmed, with God's help. Admitted to her First Communion, she felt even greater incentives to increase in virtues. Obedient and submissive to her parents and teachers, she was considered so pious and modest that she served as an example to other girls. She also diligently attended to family and domestic duties, even the humblest, like a servant. She often recalled to herself and to her maid, who, at her mother's command, arranged her flowing hair, Christ, whose hair was cut and shorn. With similar thoughts and feelings...

[*Latin ed. p. 355*]

Session number 355 of the Holy Congregation was taking place, and her face and garments were marked with blemishes, so that, not worldly people, but God and our Lord Jesus Christ alone might be pleased. She diligently read and meditated on the lives of the saints, and she was especially delighted by the deeds of Saint Veronica of Julian, Saint Joseph of Cupertino, and Saint Rose of Lima. One day, wearing a habit, her waist bound with a rope, and carrying an image of the Crucifix, she met her mother and said that she was strongly urged by the power of Saint Rose of Lima to imitate her, and that she wished to devote herself to her faith and devotion, so that she might find a safe refuge in dangers. With these signs of an outward life easily discernible, she readily conceived of entering a religious family, knowing well that, in order to attain perfection, great help is found in separation. However, God had other plans. Then, with the consent of her mother, she bound herself with the vows of chastity, poverty, and obedience, and dedicated herself to God forever. These vows, once made, were publicly and duly received by Dominic Ramaschiello, afterwards Bishop of Saint Agatha of the Goths, in the church of Saint Matthew the Apostle, and became the moderator of her conscience. Through faithful observance of her vows, the pious Virgin, only fifteen years old, made rapid progress towards the perfection of life and towards charity in God; but



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soon, a tumor arose and grew in her left cheek, so that her entire face became swollen, and she had to undergo a surgical operation, which she endured with a brave spirit, without any complaint, her eyes fixed on the image of Christ hanging on the cross. Remembering and grateful for the benefit of healing received, she immediately went to church and hastened to offer prayers before the Most Holy Sacrament in an act of thanksgiving. Her virtue also shone forth through diligent and daily labor, assisting her sick brother, the priest Vincent, until he, refreshed by the sacraments of the Church and comforted by his sister's charity, breathed his last. Soon after, Philomena herself was afflicted with a fever, and although the most skilled doctors, nor the prescribed remedies, nor the baths taken at Bagnols, near Naples, had any effect in bringing her relief, she experienced comfort and heavenly solace through frequent participation in the sacred banquet. Two years later, when a long and tedious illness had somewhat subsided, moved by a desire for perfection and by the piety she had always felt towards the seraphic Father Francis, the Handmaid of God entered the Third Order of Franciscans, so that, following the humble example of Christ and of His faithful servant Francis, she might despise earthly things, acquire heavenly things, and strive to overcome all adversities encountered in her pilgrimage to the homeland, through love and embrace of the Holy Cross. Therefore, clothed in the habit of penance, she endeavored until her death to emulate the examples she had set for herself, and she happily expressed this through a greater contempt for worldly things, the purity of her mind and body.

[*Latin ed. p. 356*]

356 Acta Apostolicae Sedis - Official Commentary on a life of penance and various works of charity. Meanwhile, she attended, like an angel, to her father, who was afflicted by a slow paralysis and lay in bed, for three years and more, without interruption, consoling the infirm and suffering man in every way until his death. Finally, Philumena, herself broken and afflicted by grave and prolonged illnesses, while offering solace to her suffering flesh through fervent prayer and a more profound piety towards God, as well as a special devotion to the Blessed Virgin and other saints, tasted a certain spiritual sweetness, and, in the prime of her life, was brought to the extreme by the force of a long-standing illness, and fell asleep in the Lord at Nuceria Paganorum, on December 12, 1864. Although the life of the Handmaid of God, in its brief course, was entirely hidden with Christ in God, and her virtues were manifested primarily within the temple and within the walls of her home, both because of the nature of the girl, who was entirely averse to the world, so as not to be contaminated, and because of the grave and almost continuous infirmities that afflicted her and her relatives, nevertheless, her sanctity became known to outsiders and especially to her fellow citizens. After her true and precious death, this fame of



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sanctity increased more and more day by day, through the frequent visits of the faithful to her tomb, through the narration and reading of her life, through the requests for and distribution of her image, and also through the signs and miracles that were reported to have been obtained through the intercession of this faithful servant of God. And to this day, it flourishes in the city and dioceses of Nuceria Paganorum, Salernitana, Neapolitana, and other places. Therefore, an Ordinary Informative Process was established concerning this same fame and transmitted to the Sacred Congregation of Rites, and when, with due observance of the legal order, and after the revision of the documents, everything was ready to proceed further, at the urgent request of the Very Reverend Father Francis M. Paolini, of the Order of Friars Minor, and Postulator of this Cause, and after receiving the letters of request from numerous Archbishops and Bishops, as well as canons, parish priests, religious men and women, and pious congregations of both sexes, especially from the dioceses of Nuceria Paganorum, Salernitana, and Neapolitana, and from other illustrious men and women, and also upon the request of the Most Reverend Father Seraphino Cimino, Minister General of the Order of Friars Minor, in his own name and in the name of the entire Order, the Eminent and Reverend Cardinal Vincent Vannutelli, Bishop of Ostia and Palestrina, Dean of the Sacred College, and Promoter or Relator of this Cause, in the Congregation of Sacred Rites, after gathering at the Vatican on the designated day, proposed the following question for discussion: Should a Commission for the Introduction of the Cause be appointed in this case, in order to achieve the purpose of which we are speaking? And the Eminent and Reverend Fathers.

[*Latin ed. p. 357*]

The Most Holy Congregation for the Preservation of the Sacred Rites, having heard, both orally and in writing, the report of the Most Reverend Doctor Angelo Mariani, General Promoter of the Faith, and having carefully considered all matters, decided to write the following: If it pleases the Most Holy Father, the Commission for the Introduction of the Cause [for canonization] should be approved. July 22, in the year 1919. Subsequently, the aforementioned Cardinal, Prefect of the Sacred Congregation for Rites, presented a report to His Holiness, our Most Holy Pope Benedict XV, concerning these matters, and His Holiness, approving the aforementioned report of the Sacred Congregation, deigned to sign the Commission for the Introduction of the Cause of Beatification and Canonization of the Servant of God, Philomena Joanna Genovese, of the Third Order of Saint Francis, on the 23rd day of the same month and year.

83. CARD. Vico, Bishop of Portuense and of Saint Rufina, Prefect of the Sacred Roman College.



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L. % S. Alexander Verde, Secretary.

[*Latin ed. p. 358*]

358 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE SACRED ROMAN ROTA, ARGENTINEN.

### NULLITY OF MARRIAGE.

In the year 1918, during the pontificate of Pope Benedict XV, on the first of November, the following case was heard:

BR. PP. DD. William Sebastianelli and Julius, Auditors of Tournon, in the case of Argentinen.

Concerning the nullity of a marriage, between Anne Kern, an actress, then represented by her legitimate procurator, the lawyer Alphonsus D'Agata, and Maximilian Leichter, who appeared and contested the matter. The following facts were presented:

The case was definitively concluded in Brno.

Assigned to the office of Leichter, as Defender of the Bond.

Anne Kern, a Catholic, having indulged in illicit loves, conceived a child with Maximilian Leichter, a Lutheran.

Subsequently, when she again became pregnant, she was abandoned by her brother and alienated from her family.

Therefore, in order to provide for herself and her child, she was compelled to enter into a civil marriage with her lover on January 30, 1902, in the city of Muelheusen, hoping to later contract a marriage before the Church.

However, quarrels and contentions plagued their common life, which after a decade came to an end with a divorce, obtained from the civil authorities on December 1, 1912.

The woman, having her freedom restored, on February 2, 1914, entered into a second civil marriage with John Bulker, a Catholic man.

Desiring also to celebrate a marriage before the Church with the same man, she petitioned the Argentinen Curia for a declaration of nullity of her previous marriage with M. Leichter.

After a process conducted according to the law, on June 30, 1915, a judgment was issued favorable to the actress.

However, an appeal was interposed by the Defender of the Bond before the judges of Metz, who, by virtue of the apostolic indult of June 10, 1910, constituted a court of second instance, and declared the marriage valid.

The judges of the first and second instances dissenting, the actress appealed to the Holy See, and today the case is presented for consideration



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under the customary formula of inquiry:

Whether there exists a nullity in the marriage in the case at hand.

[*Latin ed. p. 359*]

Saint Bonaventure, Book 3, Chapter 59: Concerning the Law That Applies. – The Council of Trent, in Chapter 1, Session 14, concerning Reforms, Matrimony, decreed that marriages which are not celebrated before a parish priest and two or three witnesses are null and void, and furthermore, it decreed that the conciliar disposition "should begin to have its force in each parish" after thirty days, counted from the day of the first publication made in that same parish. Therefore, in places where the decrees of Trent have not been promulgated, a marriage celebrated with any form is valid, provided that there is consent; for marriage is the consent of the parties, which cannot be supplied by any human authority, neither ecclesiastical nor civil (Code of Canon Law, canon 1081, § 1). The question arises whether, in those same places, those contracting marriage, which they call "civil," validly contract. The reason for doubting is to be found in the fact that the Church constantly condemns such marriages. Emilius Gasparri answers this question by distinguishing: "If the parties," he says, "are capable according to the laws of the Church, and if, before the civil marriage, they intend before the Church to enter into a true marriage, the civil act is a true marriage, not because the civil law has been observed, but because nothing is lacking according to the legislation of the Church that is necessary for the validity of the marriage" (De matrimonio, n. 1526, ed. 3). Wernz states the same: "Those contracting marriage, whether Catholics or non-Catholic baptized persons, who are not subject to the law of Trent concerning the mere civil celebration of marriage, enter into a valid marriage, although illicit, provided they have the intention of entering into a true marriage, and no other canonical impediment exists; but if they only intend to perform a civil ceremony, and from their intention follows in the Church a true marriage contract before a minister of the cult, then the civil marriage is utterly devoid of value" (Ius Decret., IV, n. 207). The canonists are in agreement with the moral theologians, of whom the principal one, in his Summa Theologica Moralis, p. III, n. 443, note I, writes: "Therefore, if where a marriage is validly contracted, and one of them intends only to perform a civil rite (which is to be presumed, because otherwise the marriage would be gravely illicit), this cannot be understood." Our Tribunal in Cologne, on August 27, 1910, before Persiani; in Argentina, on February 23, 1912, before Heiner; in Cologne, on June 10, 1912, before Mori, etc., followed this doctrine. In order truly to know what precisely was the object of the will of those contracting in performing a civil rite, whether it was merely a ceremony or a true marriage, it is necessary to consider the circumstances of the persons, the place, and the time. Thus, if it concerns Catholics who are fulfilling their religious duties,



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it is to be presumed that they intended only...

[*Latin ed. p. 360*]

360 Acta Apostolicae Sedis - Commentarium - Officially, the civil rite is considered as such, and not as marriage; therefore, Catholics should be considered to be acting in a Catholic manner in these cases. This presumption is even stronger if there is a custom whereby the civil ceremony is performed before a magistrate, and afterwards the marriage is celebrated in the church; for everyone is presumed to conform to the customs of the place where they are acting. Coherently with this, the Sacred Congregation declared on August 12, 1882, that no marriage had been contracted in London between a Catholic woman named Maria and a Greek-schismatic named Paul. Referring to this decision, Cardinal Gasparri, in the cited work, n. 906, notes: "The petition for annulment was based on several grounds, but we believe that the reason for the decision was this: Maria did not intend to enter into a true marriage before the civil magistrate, commonly called the Registrar, but rather into a betrothal. This was suggested by the fact that in France, due to the customary Catholic education and accepted morals, all consider the civil act not to be a true marriage, as the judge of Paris will testify, and furthermore, this was sufficiently proven by the testimony of Maria herself, as well as of Paul, which was also confirmed by other witnesses." Now, regarding the facts. Cl. Wernz (loc. cit., n. 163 in fine) notes that in some regions, which he lists, which had long been estranged from the Catholic faith, the principle that a civil marriage is not a true marriage has been declared, either through explicit publication or through long-standing observance, as happened in Strasbourg from the time of Louis XIV, in Baltimore, in Berlin, and in Muelheusen; however, in these places, "only Catholics were bound by this law, as established by the Council of Trent; all non-Catholics were exempt, even if they entered into a mixed marriage with a Catholic party." It should also be noted that in Germany, the opinion of Catholics is that a civil marriage is not a true and properly called marriage in the Christian sense. This is asserted and extensively proven in Argentorati, on February 23, 1912. This must be understood not only in relation to marriages contracted between Catholics, but also in relation to mixed marriages: whatever may be the case with the non-Catholic party, the Catholic party is subject to the same obligations as all Catholics; therefore, if they fulfill their obligations, there is no reason why the judge should not apply the common rules for Catholic marriages, as far as their consent is concerned. This was held by the judges of the first instance, in which it is stated "that it is the persuasion of the Christian people... that a civil contract is not a valid marriage": and the parish priest of Holbach testified to the judges of the same instance: "In my opinion - he said - the idea of the necessity of a Catholic marriage is the general opinion among our people. In my parish, I have many clandestine mixed marriages,



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and the Catholics..."

[*Latin ed. p. 361*]

Saint Roman Code 361: "They are all very surprised when I tell them that their 'mixed' clandestine marriages can be valid." The words do not contradict this, as can be seen in the letter from the Most Reverend Archbishop of Cologne, dated July 2, 1892: "It is presumed not for 'nullity,' but rather for the validity of both marriages (i.e., 'mixed, whether civilly or clandestinely before a non-Catholic minister'), which are exempted therefrom by the Tridentine law." Indeed, 1) it must be said that the Holy Congregation did not respond to the question that was proposed to it by the Archbishop of Cologne, and that this declaration is found in that part of the letter in which the aforementioned Archbishop warns the faithful not to celebrate mixed marriages; therefore, it is not a true and proper juridical decision. Nor 2) does the Holy Inquisition absolutely and entirely state that in every case one must always presume the validity of mixed marriages that have been contracted civilly. For after the aforementioned words, it is written, "and in easier cases, recourse must be had to the Holy See," which would have been added in vain if one were always to presume the validity of these marriages. Finally, it must not be overlooked that the cited declaration referred to the highest authority and was valid for the Archdiocese of Cologne, given that in this Archdiocese, as well as in the dioceses of Treves, Paderborn, and Münster, it had been permitted, by order of Pius VIII, dated March 25, 1830, that mixed marriages not reserved to the Tridentine form could henceforth be validly contracted, so that it could be presumed that Catholics in general could know a marriage at times, or in certain circumstances, to be valid even before God, even if it had not been celebrated in the sight of the Church. With these things before our eyes, it is to be presumed that Annam Kern intended to perform a mere ceremony before the civil authorities, for she was a Catholic, and did not neglect the duties of religion; for the parish priest testifies: "That '(Anne Kern and J. Bulker) fulfilled their duties as Christians 'as much as they could.'" The procedural records favor this presumption. Indeed, the plaintiff declares in her introductory statement: "Although we cohabited, I never 'considered this marriage to be valid, and neither after the civil marriage.'" Therefore, she wanted to lead the man to have the marriage celebrated before the Church. "I tried to persuade my husband to have our marriage 'blessed in the Catholic Church, but without success.'" This is confirmed in her sworn deposition before the judge. She said: "I knew that the 'civil marriage was not enough to constitute a valid marriage... I told him (i.e., 'Leichter') that it was not right to live together in this 'way, if we did not get married in the Church.



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I always believed..."

[*Latin ed. p. 362*]

362 Acta Apostolicae Sedis - Commentarium Officiale "that he might still be persuaded to do so: but he mocked me." The parish priest affirms that the woman's testimony should be considered reliable, and in response to the question: "Do you consider Mr. Burckel and Anne Kern to be trustworthy?", he replied: "Yes, I consider them trustworthy; for they could easily have given more favorable answers." The actress's testimony is corroborated by witnesses. Thus, the aforementioned priest said: "I truly had the impression that, from the beginning, she (Anne) was truly convinced that her civil marriage was not valid." However, Andreas Glotz, when asked: "Are you personally convinced that Anne Kern considered her marriage contracted at the town hall to be invalid before God?", replied: "Yes." Two women, brought by the actress, also testified. The first, namely Emma Diener-Stoekli, stated: "When they had disputes, Mrs. Kern often said to her husband: 'I am free, I can leave you again.'" The second, namely Lina Meier, stated: "When they were arguing, Mrs. Kern often said to her husband that she could leave him again, since she was not married in the Church." Indeed, the reason given by Anne, by which she could have been estranged from Maximilian, would have no force if the bride had believed that she had entered into a true marriage with him through the civil contract. The Reverend Substitute of the Defender of the Bond objects that it is doubtful whether, in 1912, "when Anna contracted a civil union with Maximilian Leichter, she truly held this opinion." However, we concede that the aforementioned testimonies, considered in themselves, do not prove the actress's intention at the time she was civilly married; but it must be denied that, considering what followed the marriage, it cannot be lawfully and justly deduced what was the intention of the actress at the time of the marriage celebration. It is then objected that it is almost unbelievable that Anne did not consider the civil marriage to be invalid and that she lived with her husband for a full ten years, despite the beatings and other vexations she suffered. But all of this neither proves nor suggests that Anne maintained a valid civil contract. For, abandoned by her brother and expelled from the house, she considered that she could not otherwise provide for her needs than by resuming cohabitation with her own lover, which, if it was begun only by civil rite, and not by ecclesiastical rite, must solely be attributed to the husband's reluctance, as stated above. After these things, it is utterly asserted that Anne Kern labored under an error of law concerning the validity of the civil marriage, an error which neither opposes the marital consent, nor invalidates the marriage. For a marriage is to be declared invalid and null not because of an error of law,



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under which Anna labored, but because...

[*Latin ed. p. 363*]

The Most Holy Roman Church, having heard 363 cases, but from numerous circumstances, which, when joined together, demonstrate that there was no marital consent. After all these things have been duly and diligently considered, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, invoking the name of Christ, decree, declare, and definitively pronounce that the marriage is null in this case. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to execute this our definitive sentence, and against those who resist, to proceed according to the sacred Canons and especially chapter 3, session 25, concerning reform, of the Council of Trent, employing the executive and coercive means that shall be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Most Holy Roman Rota, November 19, 1918. William Sebastianiii, Dean, Presiding. Maximus Massimi. Julius Grazioli. L. © S. From the Chancery, December 30, 1918. Sac. T. Tani, Notary.

[*Latin ed. p. 364*]

364 Acta Apostolicae Sedis - Official Commentary of the DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On the morning of Tuesday, July 8, 1919, in the Apostolic Palace at the Vatican, the Preparatory Congregation of the Sacred Rites was held, in which, with the participation of the Most Reverend and Illustrious Lords Cardinals and with the votes of the Reverend Prelates and the theological consultants comprising the same, the matter was discussed concerning the doubt regarding the martyrdom, the cause of the martyrdom, and the signs or miracles of the Servants of God, Charles Luanga, Matthias Marumba, and their companions, who were killed, as it is asserted, in hatred of the Faith in Uganda, in the Apostolic Vicariate of Victoria-Nyanza. On Tuesday, July 22, 1919, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which, for the judgment of the Most Reverend and Illustrious Lords Cardinals comprising the same, the following matters were presented: 1) the introduction of the cause of beatification, that is, the declaration of the martyrdom, of the Servants of God, Friacrio Tobin from Kilkenne and John Baptist Dowdall from Ulster, of the Minor Capuchins, who were killed, as it is asserted, in hatred of the Faith in Ireland; 2) the introduction of the cause of beatification and canonization of the Servant of God, Philomena Giovanna Genovese, a Franciscan Tertiary; 3) concerning the examination of the writings of the Servant of God, Peter Casani, a professed priest of the Regular Clerics of the Pious Schools; 4) concerning the examination of the writings of the Servant of God, Mary Pussepin, the Foundress of the Sisters of the Presentation of the Most Holy Mary of Tours;



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5) and likewise, concerning the examination of the writings of the Servant of God, Mary Joseph Rossello, a Franciscan Tertiary, the Foundress of the Daughters of Mercy in Savona. On Tuesday, August 12, 1919, at the Most Reverend and Illustrious Lord Cardinal Gaetano Bisleti, Promoter of the Cause of Beatification and Canonization of the Venerable Vincenza Cerosa, Co-foundress of the Institute of the Sisters of Charity in Luere, diocese of Brescia, the Antipreparatory Congregation of the Sacred Rites was held, in which, by the Reverend Officials and the theological consultants of the same, the doubt concerning the heroism of the virtues exercised by the same Venerable Servant of God was discussed.

[*Latin ed. p. 365*]

Diarium Romanae Curiae 365. SACRA CONGREGAZIONE PRO ECCLESIA ORIENTALI. CAUTION. It has come to the notice of this Sacred Congregation that a certain Father Nicolas, of the Coptic rite, is collecting alms "for Eastern orphans and for churches destroyed by the Turks." It is made known to the Most Reverend Bishops that the aforementioned Father Nicolas is a person entirely unknown to the Sacred Congregation *pro Ecclesia Orientali*, and that he has not received any authorization from it to solicit alms. However, should the charity of good prelates wish to come to the aid of the poor Copts, the dioceses may remit the alms collected to the Secretariat of the Sacred Congregation *pro Ecclesia Orientali* ("Piazza Scossacavalli, 65)," which, being well informed of the conditions of those Christians, will be able to distribute the aid where it is most needed.

SECRETARIAT OF STATE. APPOINTMENTS. By letters from the Secretariat of State, the Holy Father has deigned to appoint:

July 30, 1919: The Most Reverend Cardinal Gaetano Bisleti, Protector of the Congregation of the Humble Daughters of Mount Calvary.

August 1, 1919: The Most Reverend Cardinal Oreste Giorgi, Protector of the Congregation of the Poor Daughters of St. Joseph Calasanctius.

August 22, 1919: The Reverend Father Luigi Bondini, General Secretary of the Minor Conventuals, Consultor of the Sacred Congregation of the Council.

The Most Reverend Cardinal Andrea Frühwirth, Protector of the Institute of the Sisters of St. Agnes, which has its Mother House in Fond du Lac.

The Most Reverend Cardinal Donato Sbarretti, Protector of the Institute of the Sisters of Charity of Halifax.

The Reverend Father Augusto Sordet, Redemptorist, Consultor of the



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Sacred Congregation of Religious.

[*Latin ed. p. 366*]

366 Acta Apostolicae Sedis - Commentarium Officiale. Per Brevia Apostolica, Sanctissimus Pater dignatus est nominare: Protonotarios apostolicos, ut participes: 20. Julio 22. Dom. Alessandro Mac Kintosh, ex dioecesi Argyll. - Dom. Patrizio Morris, ex archidioecesi Sancti Andreae et Edimburghi. - Dom. Thomas Alessius, ex archidioecesi Beneventi. Praelati Domestici Sanctitatis P.P.: 16. Maii 1919. Dom. Petrus M. Cauley, ex dioecesi Erie. 29. Julii. Dom. Iosephus Stillemans, habitans in Nova Eboraco. 1. Augusti. Dom. Iosephus Stambulie, coepiscopus Patriarchatus Antiocheni Sirorum. - Dom. Iosephus Giorgi, coepiscopus eiusdem Patriarchatus. - Dom. Ephrem Hicari, coepiscopus eiusdem Patriarchatus. - Dom. Raphael Gibri, coepiscopus eiusdem Patriarchatus. HONORES. Per Brevia Apostolica, Sanctissimus Pater dignatus est conferre praemia sequentia: Commendam Ordinis Pius, 1. Augusti 1919. Domino Giulio De Galarza y Perez Castañeda, Comiti de Galarza, Ministro Hispaniae in Peru. Commendam cum placca Ordinis Sancti Gregorii Magni, classe civili: 24. Julii et 2. Augusti 1919. Domino Antonio Cordes, ex dioecesi Paderborn. - Domino Mauricio Gulielmo Yan Vollenhoven, Ministro Hollandiae in Bruxellis. Commendam Ordinis Sancti Gregorii Magni, classe civili: 4. Augusti 1919. Domino Cavaliere Ernesto Soenens, ex archidioecesi Malinae. Militiam Ordinis Sancti Gregorii Magni, classe civili: 24. Julii, 25. Julii et 31. Julii 1919. Domino Edoardo Isphording, ex dioecesi Paderborn. - Domino Henrico Ludovico Petro Augustino Berends, ex dioecesi Bredae. - Domino Gulielmo Adriano Beukers, ex dioecesi Harlemensis.

[*Latin ed. p. 367*]

Diarium Romanae Curiae 367, concerning the Knighthood of the Order of Saint Gregory the Great, military class: July 29, 1919. To Mr. Alfredo Giuseppe Radelet, captain and commander in the Belgian army. The Grand Cross of the Order of Saint Sylvester the Pope: August 7, 1919. To Mr. Doctor and Lawyer Michele Perea, of the archdiocese of Montevideo. The Commendatorship of the Order of Saint Sylvester the Pope: July 28 and August 9, 1919. To Mr. Gonzalo Saverio D'Almeida Garret, of the diocese of Portalegre. To Mr. Antonio Dreesmann, of the archdiocese of Utrecht. The Knighthood of the Order of Saint Sylvester the Pope: June 11, 1919. To Mr. Giulio Peruzzi, of the archdiocese of Florence.

## HOUSEHOLD OF HIS HOLINESS

By means of letters from His Eminence, the Monsignor, the Household Prefect, the Holy Father deigned to appoint:

Secret Chamberlains, honorary:



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September 30, 1918. Monsignor Francesco Salesio Matwykiewicz, of the diocese of Premiśl.

January 29, 1919. Monsignor Stefano Skoczinski, of the diocese of Cracow.

June 7. Monsignor Ignazio Klopotowski, of the diocese of Lublin.

July 26. Monsignor Pietro Giurazza, of the diocese of Saint Angelo de' Lombardi and Bisaccia.

July 29. Monsignor Edoardo Quaranta, of the diocese of Monte Cassino.

August 1. Monsignor Pietro Paolo Ceratto, of the diocese of Cuneo.

August 1. Monsignor Ermenegildo Pellegrinetti, of the archdiocese of Lucca.

August 4. Monsignor Mlippo Monti, of the diocese of Bergamo.

August 7. Monsignor Giacinto Piñeiro y Soto, of the archdiocese of Saint James of Compostela.

August 7. Monsignor Ambrogio Martínez Lozano, of the diocese of Cadiz.

August 7. Monsignor Antonio Vilaplana y Forcado, of the diocese of Vich.

August 7. Monsignor Giovanni Rogers, of the archdiocese of Saint Francis in California.

[*Latin ed. p. 368*]

Acts of the Apostolic See - Official Commentary 368 1 19 » » August » » » 23 » » » » » » » 1919. Monsignor Filippo O'Ryan, of the same archdiocese. » Monsignor Riccardo Bartoloni, of the archdiocese of Florence. » Monsignor Enrico Infalt, of the diocese of Luxembourg. » Monsignor Stanislao Adamski, of the archdioceses of Gnesen and Posen. » Monsignor Nehmatalla Tohmé, of the Maronite archdiocese of Cyprus. » Monsignor Nehmatalla Asmar, of the same archdiocese. » Monsignor Nehmatalla Aad, of the same archdiocese. » Monsignor Giuseppe Hayek, of the same archdiocese.

Honorary Chaplains in purple vestments of His Holiness:

January 29, 1919. Monsignor Rodolfo Wimmer, of the archdiocese of Vienna. » » » Monsignor Ferdinando Heinz, of the same archdiocese.

April 24. Monsignor Gonçalo Casimiro Nogueira, of the Patriarchate of Lisbon.

May 19. Monsignor Federico Pesendorfer, of the diocese of Linz. » » » Monsignor Enrico Binder, of the same diocese.

August 9. Monsignor Baldassare Hofer, of the diocese of Segovia. » » » Monsignor Mariano Castel y Moya, of the diocese of Teruel.

NECROLOGY



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July 31.

August 14.

August 24.

1919. Monsignor Domenico Gasparo Lancia di Brolo, Archbishop of Monreale. » Monsignor Romolo Molaroni, Bishop of Macerata. » Monsignor Vincenzo Tasso, Bishop of Aosta. Monsignor Efrem Giesen, titular Bishop of Palto, Apostolic Vicar of Northern Shaanxi (China).

[*Latin ed. p. 369*]

Year XI - Vol. XI No. 11 1 October 1919. ACTA APOS- TOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. APOSTOLIC LETTERS. THE CHURCH OF SAINT JUSTINA, LOCATED IN PADUA, IS RESTORED TO THE BENEDICTINE ABBEY. POPE BENEDICT XV. For the perpetual memory of the matter. — The illustrious family of Saint Benedict has, throughout the ages, deserved the highest praise, not only for its religious merits, but also for its contributions to civil society. For while the disciples of Saint Benedict spread the light of the Gospel throughout almost all of Europe, in the monasteries of this Order, like well-fortified citadels, especially in the Middle Ages, amidst wars and turmoil, and the incursions of barbarians, they provided a safe refuge for all kinds of liberal arts. Many celebrated Benedictine monasteries are enumerated, and among these, the most distinguished is the ancient monastery of Saint Justina, founded in Padua, of which mention is made as early as the 7th century. Burned by the Hungarians who devastated Italy, it was rebuilt in the 10th century, and reached the height of its splendor in the 15th century, when this very monastery, under the auspices of the venerable Lewis Barbo, later Bishop of Tarvisio, was the cradle of the great Benedictine Reform in Italy, from which originated the Congregation now called of Saint Justina. This Congregation, later called the Casinense Congregation, was further enriched by our predecessor, Pope Eugene IV, with many privileges. Adjoining the monastery, a vast basilica was erected in the 16th century, remarkable not only for its size but also for the beauty of its artistic works, and which deserves to be counted among the greatest temples of Christianity. Within this basilica, the bodies of many saints are preserved with the greatest reverence, especially that of Saint Prosdocimus, the first Bishop of Padua, as well as the body of Saint Justina, virgin and martyr. ACTA, vol. XI, no. 11. - 1-10-919. 35.

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis - Commenta/Hum Officiale ecclesiae enunciatae titularis. Nevertheless, in the year 1887, that monastery, which was replete with all the treasures of art and science, was plundered by sacrilege, and the monks were driven from it, and until our time, they have not been able to return to their former home. Therefore, we received with great



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joy the news that the abbey of Saint Justina, in Padua, to which, in recent years, the care of souls had been added, especially through the efforts of the present Bishop of Padua and of the Reverend Panzoni, our domestic prelate, was soon to be restored in its entirety; and since it has been brought to our attention that we should deign to sanction this restoration with our supreme authority, we, for whom there is nothing more ancient than to restore this monument, worthy of veneration by all, to its former glory; by our own motion and with certain knowledge and mature deliberation, and by the fullness of our Apostolic power, we decree the following, valid now and forever: I. We entrust the Basilica of Saint Justina, in Padua, to the Congregation of Saint Benedict, of the ancient observance, so that a religious family may be established therein, to which the care of souls is also entrusted. II. We approve and confirm, by our Apostolic authority, the agreement therefore initiated between the Bishop of Padua and the General Abbot of the aforementioned Congregation. III. The new religious family shall enjoy all and each of the rights and privileges with which the old, illustrious abbey was endowed, except for those privileges which may perhaps have been abrogated by the Code of Canon Law, and those rights which are legitimately prescribed. IV. The religious of the family of Saint Justina shall, in the meantime, be joined to the community of the Monastery and Abbey of Saint Mary of Pratale, commonly known as Fraglia, in the territory of Padua. The abbot of this abbey shall obtain the title of administrator of the Abbey of Saint Justina, until the superiors of the Casinensi Congregation deem it opportune to establish it as a community of its own right, according to the laws of the Order. These things we decree, we establish, we command, declaring these present Letters to be always firm, valid, and efficacious, and to have and obtain their full and complete effect, and to be a perpetual support to the monks of the aforementioned abbey, both present and future, now and forever; and it shall be rightly judged and defined, and from this moment shall be declared void and null, if anything contrary to these things should happen, knowingly or unknowingly, by any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-second day of June, in the year 1919, in the fifth year of our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 371*]

Acta of Pope Benedict XV, 371, II. Concerning the Cathedral Church of Tortosa, dedicated to the glorious Virgin Mary, assumed into Heaven, and its elevation to the dignity of a Minor Basilica.

POPE BENEDICT XV. For the perpetual memory of the matter.

Among the sacred buildings that ennoble the regions of Spain, and which simultaneously proclaim and testify to the zeal and generosity of that nation in matters of religion, the Cathedral Church of Tortosa,



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dedicated to the glorious Virgin Mary, assumed into Heaven, deserves, by right and merit, to be held in high esteem. Indeed, it is reported by most trustworthy testimonies and by constant tradition that this temple has its origin from the apostolic age. Constructed in the Gothic style and marvelously adorned, it inspires admiration in those who behold it. It is also known that the See of Tortosa, established in the fourth century, has been honored by outstanding prelates, renowned for their doctrine and piety, among whom our predecessor, Hadrian VI, stands out, who retained the title of Tortosa until his death, and who bestowed privileges and special insignia of honor upon the bishops of Tortosa perpetually. It is also worth remembering that, among other events related to the Kingdom of Aragon, a most celebrated Synod was convened in the Cathedral of Tortosa in the fifteenth century, to legitimately define the Western Schism, to which Pope Martin V, may he rest in peace, sent our predecessor as his legate, the Most Reverend Cardinal de Fox, accompanied by numerous bishops, abbots, and countless prelates and priests from all over the Catholic world, and in the presence of King Alfonso V of Aragon himself. In the same temple, which is richly endowed with the relics of saints, some of which are of great renown, and adorned with abundant sacred furnishings, the Order of Canons and the clergy diligently perform their divine duties as an example. Furthermore, there is a most celebrated lay confraternity, canonically established there for many centuries under the title of the Most Holy Virgin of the Belt, which has as its first members the Kings of Spain and members of the royal family; and which regularly engages in exercises of piety in its own temple chapel, and solemnly celebrates its special feasts.

Having been supplicated by the venerable brother Peter Rocamoray, Bishop of Tortosa, with humble prayers, so that We might deign to grant the aforementioned Cathedral Church of Tortosa the title and privileges of a Minor Basilica; We,

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis - Remembering the illustrious memories of that sacred edifice, we have readily and willingly deemed it fitting to offer prayers in its honor. Therefore, having heard the Prefect of the Sacred Congregation of Rites of the Most Holy Roman Church, by our apostolic authority, in the presence of these witnesses, and forevermore, we elevate the Cathedral Church of Derthusensem, dedicated to the glory of the Blessed Virgin Mary, to the title and dignity of a Minor Basilica, bestowing upon it all the privileges and honors that rightfully belong to the Minor Basilicas of this most holy city. We decree that these present letters shall always remain valid and effective, and shall fully and completely produce their intended effects, and that those to whom they pertain, or who may pertain to them, shall now and forevermore be supported by them: and it shall be rightly judged and defined that anything attempted by anyone, with any authority



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whatsoever, knowingly or unknowingly, concerning these matters, shall be considered void and of no effect, notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-fifth day of July, in the year 1919, in the fifth year of our pontificate. P. CARD. GASPARRI, Secretary of State. III. THE SANCTUARY OF SAINT UBALD, BISHOP, IS DECORATED WITH THE TITLE OF MINOR BASILICA, AND CERTAIN PRIVILEGES ARE GRANTED THEREWITH. BENEDICT XV. For the perpetual memory of this event. — Following in the footsteps of our predecessors, the Roman Pontiffs, we strive to enrich the most celebrated sanctuaries of the Christian world, of ancient religious importance, with special titles and privileges, according to the needs of the time. Indeed, on the eleventh day of September, the two thousand seven hundred and twenty-fifth year will happily be completed since the body of Saint Ubald, patron of the city and diocese of Gubbio, was transferred, not without some heavenly indication, near the city, to the summit of a mountain. We are not unaware that, over a long period of time, this holy patron has fostered and protected his children, the citizens and neighboring peoples of Gubbio, with paternal piety and efficacious help, and has poured forth countless benefits upon them, both temporal and spiritual. As has been reported to Us,

[*Latin ed. p. 373*]

From Acia Benedicti PP. XV, 373, the highest peak of his virtue shines forth, especially in repelling unclean spirits and in delivering those who, having been bitten by a rabid dog or any other animal, are in danger of death, to whom his help, even now, is readily offered. Therefore, Saint Ubald never lacked due testimonies of piety and gratitude, offered by the clergy and the people, preceded by bishops and prominent citizens of the city. The temple dedicated to Saint Ubald contains a monastery of religious men who faithfully guard and piously venerate his venerable remains. The Great Dukes of Urbino and the Governors of Gubbio have, with singular generosity, increased and adorned it. We also know that our predecessors, the Roman Pontiffs, have shown a singular devotion to the saint, both in life and after his death. Indeed, it is remembered that Honorius II, Pope, appointed Ubald, a regular canon of the Order of Saint Augustine, as the prefect of the church of Gubbio, restored in the year 1129 of the salvation of the world, and consecrated him a bishop with apostolic authority; and that, in the year 1192, Gregory III, Pope, placed him among the saints. It is certain that his sanctuary has not failed to bestow many graces and singular privileges upon many other Roman Pontiffs who preceded us. Among others, we consider it necessary to mention Sixtus IV, Leo X, Saint Pius V, Clement XI, Benedict XIV, Pius VI, and Pius IX. Finally, it is fitting to remember Pius X, our predecessor, who, with his own hand, signed on the ninth day of the month of August in the year 1901, granting special indulgences and other



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privileges to the Pious Union named after Saint Ubald, which the venerable brother John Baptist Nasalli-Rocca, then the vigorous bishop of the diocese of Gubbio, had instituted with wise counsel. The wishes and works of the Pontiffs have been wonderfully fulfilled by ecclesiastical men and laymen of all orders, both from the city and diocese of Gubbio, and from throughout Umbria, and from many regions of Italy, Europe, and even America. This is testified by the devout pilgrimages, the frequent gatherings for the sacraments, the public ceremonies of penance and supplication, and the nocturnal vigils held before the Blessed Sacrament, solemnly dedicated to public veneration. Finally, this is clearly confirmed by the conspicuous gifts and generous donations made by the faithful for the restoration and expansion of the same sanctuary. And indeed, in recent years, after being restored throughout, the old sanctuary has been completely rebuilt and elegantly adorned with excellent works of art, with the cooperation of the Friars Minor, who, devoted to the custody of the same sacred building, perform the sacred mysteries and religious offices and functions there with diligent care and constant piety. Now, it shines with a new splendor, consisting of five large wings.

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis - Official Commentary: The temple; the windows are adorned with intricately carved designs and painted glass; six new altars have been erected, among which stands the principal altar, constructed of marble and enclosed by marble barriers, which We ourselves, as a unique testament to Our devotion to the holy Ubaldus, and as a lasting memorial, have donated. Above this altar stands a precious bronze urn, which contains the body of the same saint Ubaldus, Bishop of the Church of Gubbio and its principal patron, which has remained incorrupt for so many centuries." Upon completion of the restoration work, the sanctuary will be rededicated to God on the anniversary of the original translation of the sacred body, that is, on the eleventh day of the month of September. And We have desired that the most eminent author and promoter of this same work, namely the venerable brother, already praised, John Baptist Nasalli-Rocca, formerly the Bishop of Gubbio, now the titular Archbishop of Thebes, and who, through secret donations, will represent Our person at the consecration of the sanctuary, should preside over this sacred function. Now, taking advantage of this auspicious occasion, the current Bishop of Gubbio, the venerable brother Charles Taccetti, together with the Chapter of both the Cathedral Church and the Collegiate Church of Saint Christina, as well as the religious community of the Minor Brothers who are the custodians of the sanctuary, and the other clergy, the Mayor of the Municipality, and the dignitaries of Gubbio, have earnestly implored Us to deign to bestow upon the church and sanctuary of Saint Ubaldus the title and dignity of a Minor Basilica, building upon the piety and contributions of Our predecessors.



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We have considered it fitting to readily and willingly grant these worthy requests. Therefore, after consulting with Our venerable brothers, the Cardinals Prefects of the Sacred Congregation of Rites, and after considering the matters presented and the conditions pertaining to the matter, by Our apostolic authority, by these present words, We elevate the aforementioned church or sanctuary of Saint Ubaldus, located in the city of Gubbio, to the title and dignity of a Minor Basilica, permanently, with all the privileges and honors that rightfully belong to the Minor Basilicas of this Holy City. Furthermore, in order that the ceremonies of consecration, which will be held shortly, as mentioned above, may be celebrated with greater spiritual benefit, We grant that, as noted, for a period of three days only, a solemn Mass in honor of Saint Ubaldus, with chanted prayers, may be celebrated in the sanctuary, in thanksgiving for the happy restoration of the sanctuary itself. Moreover, considering the pilgrims who visit the sanctuary, as We are informed, even from distant regions, We, with Our apostolic authority, grant perpetually the faculty for visiting priests or guides to be present in the same sacred building.

[*Latin ed. p. 375*]

375 The Acts of Pope Benedict XV decree that those celebrating Mass may offer the proper Mass for the holy Bishop Ubaldus, patron of the city of Gubbio, at the altar dedicated to him, on each day of the year, except for the feasts of the double rank and the Sundays of the first and second class, as well as on weekdays, vigils, and octaves, which are of a privileged nature, all of which shall be observed with due reverence, according to the rubrics and decrees, and that this law shall be such that on lesser Sundays, some Mass pertaining to those very Sundays shall be celebrated. Furthermore, we confirm and ratify, with our supreme authority, all and each of the indulgences and other spiritual graces, which have already been granted by our predecessors, the Roman Pontiffs, to the sanctuary of Saint Ubaldus in Gubbio, and we add, by our apostolic authority, a perpetual privilege, whereby, each year, on three of the principal feasts of said sanctuary, namely, on the sixteenth day of the month of May, on which the feast of Saint Ubaldus is celebrated; on the eleventh day of the month of September, on which the memory of the translation of his sacred remains is commemorated; and finally, on the third feria after Pentecost, on which almost all the citizens and inhabitants of the city and diocese of Gubbio gather at the sanctuary of Saint Ubaldus to commemorate the Most Holy Sacrament, which is publicly exposed for veneration in the form of the Forty Hours of Prayer, the archpriest of Gubbio, or another prelate constituted in ecclesiastical dignity and appointed by him, after the solemn Masses have been duly celebrated in the sanctuary, according to the prescribed rite and formula, in the presence of the people, may lawfully and may bless, in our name and in the name and authority of the Roman Pontiff



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for the time being, with a plenary indulgence added. We grant, we decree, we command, that these present Letters shall always remain valid and effective, and shall produce and obtain their full and complete effects, and shall be of benefit to all to whom they pertain, now and forever, and that they shall be rightly judged and defined, and shall be declared null and void from this time forward, if anything contrary to these should happen to be attempted by anyone, with any authority whatsoever, knowingly or unknowingly. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-sixth day of August, in the year 1919, in the fifth year of our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 376*]

376 Acta Apostolicae Sedis - Official Commentary

EPIS TOLAE I AD PATRITIUM JOSEPHUM O'CONNOR, EPISCOPUM ARMIDALENSEM, FOR THE PURPOSE OF CONGRATULATIONS, ON ACCOUNT OF THE CATHEDRAL CHURCH RAISED FROM ITS FOUNDATIONS AND SOON TO BE CONSECRATED.

**BENEDICTUS PP. XV**

Venerable brother, greetings and the apostolic blessing.

From the beginning of your episcopate, which is now in its fifteenth year, you have so clearly demonstrated a pastoral spirit that it almost seems you have not rested for a single day from your labors. We have previously mentioned many things concerning your industry in your work, and today we receive even more reports: above all, we are pleased to learn that on the fourteenth day of the month of December, you will be dedicating the cathedral church, which you have magnificently completed after much effort, having raised it from the ground, and that on that very day, the foundations of a pious house will be laid, in which children, orphaned by their parents, will be received, nurtured, and properly educated.

Indeed, we heartily congratulate you, venerable brother, on this happy and auspicious event, and on the important work of charity that you are about to undertake; and we do so all the more gladly, because your spirit and virtue suggest that you will, as always, diligently address whatever needs or benefits may be required by your clergy and people in the future.

Certainly, your active labors will merit a great and lasting reward from Him who allows no righteous deed to go without its due recompense; but in the meantime, this should bring you solace and encouragement amidst your pastoral concerns, because, together with the widespread esteem of the bishops of this region and the love of your flock, you have earned a special benevolence from Us.

We wish to let your people know that we not only praise them for re-



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sponding with exceptional generosity to the repeated invitations of their pastor, even though they are not wealthy, but we also trust that they will persevere in their duty, so that, in the future as well, they will, according to their abilities, provide you with the means to achieve even greater good in this diocese.

Meanwhile, as a testament to the power of heavenly gifts and the paternal charity of Ourself, we offer this to you, venerable brother, and to your clergy.

[*Latin ed. p. 377*]

To Benedict XV, Pope, and to your people, we impart the apostolic blessing. 377 Most beloved. Given in Rome, near the blessed Peter, on the twenty-ninth day of the year 1919, in the fifth year of Our Pontificate, in the month of August, in the Lord. BENEDICT XV. To all the Bishops of Switzerland, who were assembled in Sion. Venerable brothers, greetings and the apostolic blessing. We have once again observed your piety and zeal, from the reports which you recently sent us from the annual assembly held in Sion. We understand that you have there diligently considered the needs of your flock, and that, moreover, since Switzerland, happily preserved whole and safe from the immense calamity of war, while its people were contending on all sides, you have appointed a solemn act of thanksgiving to God for the great benefit, to be held on the third Sunday of this month of September. You have undertaken a most commendable endeavor: for it will certainly draw down the divine favor upon your homeland. We, who cherish it with a special affection, gladly participate in these public supplications: all the more so because Switzerland has enjoyed the gift of peace, while being wonderfully ennobled by numerous works of charity. We pray that not only the conflicts of armies, but also the disturbances of the multitude everywhere, and especially here, may finally cease. This matter will certainly be greatly aided by those memorable encyclical letters, *Rerum Novarum*; the opportunity for which is now confirmed by the course of events. But above all, venerable brothers, you must strive to bring the people back to the standard of the Gospel and the sanctity of Christian life: for from this, without doubt, will follow, guided by justice and charity, the desired health flowing gradually into all classes of citizens, for the prosperity of the republic and the auspiciousness of a happier age. May the apostolic blessing, which is the witness of the heavenly gifts and the principal expression of Our benevolence, be with you, venerable brothers, and with all the people of Switzerland, most beloved. Given in Rome, near the blessed Peter, on the feast of the Nativity of the Virgin Mary, in the year 1919, in the sixth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 378*]

378 Acta Apostolicae Sedis - Official Commentary III TO JOHN,



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SUPREME RULER OF THE ROMAN EMPIRE, CARDINAL CSERNOCH, ARCHBISHOP OF STRIGON, CONCERNING AFFAIRS IN HUNGARY. Beloved Son, greetings and apostolic blessing. – Regarding your Hungary, in recent months, it has been shaken by great turmoil, and we have been deeply afflicted by common miseries, especially by the harsh domination to which you, beloved Son, and your colleagues in the episcopate have been subjected. Now, however, having received the venerable brothers, the Bishops of Veszprém and Waitzen, we have been individually and carefully instructed by both regarding the conflicts you have faced and the grave hardships you have endured. Indeed, you have been so deprived of your sacred patrimony that nothing has been left to you from which you could sustain your life, and, being completely hindered from freely exercising your pastoral duties, you have suffered the most grievous vexations. You have, in short, experienced and endured everything that men, unbridled and alienated from the Church, could devise to harm you. However, from the very narration of these sad events, we have learned much, with which we are greatly pleased; for we have learned that you have borne all these calamities with unwavering dignity and invincible fortitude, and that you have provided the clergy and the people with the finest examples of every virtue. In this matter, know that We sympathize with your sorrows and highly commend your steadfastness. Moreover, since we have considered the clergy and the people entrusted to you, we cannot but follow with due praise those priests who, for the most part, have emulated their superiors, and have shown themselves most devoted to their duties; and also the Catholics of Hungary, whose faith and spirit have been so great that the clergy have suffered no greater or more grievous wrongs. And indeed, when the intemperate rulers of the state set themselves the goal of undermining the ancient order and the faith of the elders, it became clear that the Catholic faith was deeply rooted in the people, so that the illustrious nation of St. Stephen can, just as it has received all culture and humanity, promise itself only the hope of future prosperity. In this matter, it is necessary that the clergy strive with the utmost diligence to protect and cultivate the ancient faith in the hearts of the people; which the priests will readily accomplish if they are more closely united with them and if they increasingly conciliate their will. As for Us, we shall certainly...

[*Latin ed. p. 379*]

379 We shall leave behind the acts of Pope Benedict XV, so that they may be of some benefit to your nation, which has deserved so much praise for its merits towards the Church. Meanwhile, we have reserved those documents which the venerable Bishops of Vesprém and Waitzen opened to us in your name, and we shall consider their contents carefully when the disputes arising from the war are discussed. We have decided that we shall not make any decision without first seeking the opinion of those concerned,



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namely, the venerable Bishops of Hungary, and that we shall undertake no initiatives except those which promote only religion and the good of these faithful. In the meantime, as a comfort for past and present trials, and as a testimony of our paternal charity, we impart to you, our beloved son, to your fellow bishops, and to the entire clergy and people of your land, our most loving apostolic blessing. Given at Rome, near the blessed Peter, on the eleventh day of the month of September, in the sixth year of our pontificate. BENEDICT PP. XV.

TO BERNARDIN, OF THE HOLY MOUNT JÁNDÍ, IN PANNONIA, OF THE ORDER OF SAINT BENEDICT, PRIOR OF THE ARCHABBEY OF SAINT MARTIN, FOR THE PURPOSE OF CONGRATULATION.

Beloved son, greetings and our apostolic blessing.

We have been deeply saddened by the news we have recently received concerning the difficult situation in which the members of this distinguished Abbey find themselves, as, in these past months, divine and human rights have been unhappily mixed in Hungary. To the anxieties and troubles, which were necessarily caused by the absence of an Archbishop, have been added severe threats and even insidious flattery, by which, driven by a mad counsel, certain individuals sought to induce you all to abandon your sacred vows and to depart from the very faith itself. However, despite the great harm that was threatened, you persevered in your duty, trusting in the words of our Lord Jesus Christ, who promised to repay a hundredfold to those who had left everything for his sake. We congratulate you all for such constancy, and especially you, our beloved son, who have so bravely and strenuously resisted the efforts of these wicked men, and who have inspired the hearts of your brethren to resist as well. In this matter, we recognize the outstanding spirit of the religious who animate this Abbey, and the special patronage with which the great Pope Benedict has endowed it.

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis - Official Commentary. It is woven and protected. And while we earnestly exhort you to become each day more worthy of your sacred vocation, by whose power and virtue you have emerged from the most arduous struggle, we impart, as a witness to the divine favor and to the paternal benevolence of Ourself, to you, beloved son, and to all your companions, the apostolic blessing with all our heart. Given in Rome, at Saint Peter's, on the tenth day of the month of September, in the year 1919, in the sixth year of Our Pontificate. BENEDICT XV

TO REMIGIUM BEKEFI, OF THE ORDER OF THE CISTERCIANS, ABBOT OF ZIRC, LETTERS OF GRATULATION.

Beloved son, greetings and the apostolic blessing.

For the past several months, Our mind has been deeply troubled by the



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most grievous condition, which was reported to Us as having been inflicted upon the clergy of Hungary by the governors. Recently, it has been clearly reported to Us that in that common tribulation of religious men, even your Order has not been spared, to which, over the course of centuries, such illustrious praises have been added. For the enemies of the Church have not only disturbed you from all your possessions, by which your institutions, the best homes of Christian worship, were sustained, but they have even attempted to utterly destroy the monastic life itself, which is, for you, by far the most precious. To this wicked plot you have so vigorously opposed that you have preferred to fall into poverty and destitution rather than to yield to the threats or enticements of impious men. We, therefore, most heartily congratulate you, beloved son, and all your companions; and we wish you, who have become an example to the world and to angels and men, every blessing, that you may daily make greater progress in the spirit and discipline of Saint Bernard, the Legislator, from whom such a great and glorious victory has been born.

Meanwhile, as a source of heavenly comfort and grace, and as a witness to Our paternal charity, we impart to you, beloved son, and to all your companions, to whom you rightly preside, the apostolic blessing with all our heart in the Lord.

Given in Rome, at Saint Peter's, on the twelfth day of the month of September, in the year 1919, in the sixth year of Our Pontificate.

**BENEDICT XV**

[*Latin ed. p. 381*]

Acta of Pope Benedict XV, 381, VI, addressed to the Most Reverend Cardinal de Hartmann and other Bishops who convened at Fulda.

Beloved sons and venerable brothers, greetings and the apostolic blessing.

Your dutiful letters, sent from Fulda, were most welcome to Us. We are pleased that, after five years, and with the grievous spectacle of war now thankfully at an end, although you are still concerned about future matters, you have convened. And it is particularly pleasing that you demonstrate such outstanding sentiments of piety towards the Vicar of Christ; and, although you have testified to your illustrious connection with the Apostolic See on more than one occasion, we are glad that you have diligently reaffirmed it in this most recent gathering. For it happens this year that the joyful centennial celebrations in honor of Saint Boniface, the Apostle of Germany, are being held here. And rightly, you affirm: "The star of the friend of Saint Boniface shines again from on high, a messenger of a better and holier hope." We pray that, just as he was favorably disposed towards you when, in considering the needs of your dioceses, you visited his tomb,



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so too may He obtain suitable assistance for you from God, so that, in these difficulties of the times, you may be able to worthily fulfill the most important duties of the pastoral office.

To our most beloved sons, entrusted with your care, that great apostle of this nation will certainly implore, not only a supply of heavenly consolation, but also Christian fortitude, so that, closely united with their pastors, they may steadfastly maintain the fervor of faith, which has been so faithfully transmitted to them by their ancestors.

Finally, we are most grateful to you for the three days of prayers which you piously wished to offer for the needs of the Church and of this Apostolic See at the tomb of Saint Boniface. And as a witness to the reconciliation of divine gifts and the supreme benevolence of Our own, we impart to you, beloved sons and venerable brothers, and to your entire clergy and people, the apostolic blessing with all our heart.

Given at Rome, near the blessed Peter, on the feast of the Exaltation of the Holy Cross, in the sixth year of Our pontificate.

**BENEDICT XV.**

[*Latin ed. p. 382*]

Acts of the Apostolic See - Official Commentary

## ACTS OF THE HOLY CONGREGATIONS

## SACRED CONSISTORY

### PROVISION FOR CHURCHES

S. C. Consistorial Decrees.

His Holiness, Pope Benedict XV, has provided for the following churches, as follows:

August 21, 1919. — He appointed the Reverend Father Charles Mary de la Torre, formerly Bishop of Lojano, as Prefect of the Bolivarense Cathedral Church.

September 2. — He appointed the Reverend Father William O'Hare, S.J., to the titular episcopal see of Maximianopolitan, and constituted him Apostolic Vicar in Jamaica.

September 6. — He appointed the Reverend Father Paul de Huyn, formerly Archbishop of Prague, to the titular archiepiscopal see of Sardica.

September 9. — He appointed the Reverend Stephan Hanauer, canon of the cathedral church of Veszprém and chancellor of that same curia, as



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Prefect of the Vaciensi cathedral church.

September 12. — He appointed the Reverend Father Antonius Autunes, canon of the cathedral church of Coimbra, to the titular episcopal see of Rhithymna, and constituted him auxiliary to the Most Reverend Bishop of the same Coimbra diocese.

September 16. — He appointed the Reverend Father Franciscus Kordäc, professor at the theological university of that city, to the metropolitan church of Prague.

SACRED CONGREGATION FOR THE COUNCIL OF ALBINO AND OTHER MATTERS OF ALIENATION

May 17, 1919

QUESTION. — On the occasion of a petition from the Ordinary of Albino, and in order to remove any ambiguity that might arise in practice, it has been ordered that this matter be discussed in this Sacred Congregation, namely, whether Ordinaries, in accordance with canon 1532, § 1, have the power to alienate goods.

[*Latin ed. p. 383*]

The Sacred Congregation of the Council, ecclesiastical affairs numbered 383, whose value does not exceed thirty thousand livres, may also rectify purchases and sales that have been made without due license; and, supposing that they may, whether they ought to observe in such cases the laws, or the prescriptions of canon 1532, §§ 3. OBSERVATIONS for resolving the proposed question were clearly presented by a certain esteemed Consultor. It must first be determined what is the value of a conveyance that has been carried out without due license. This is, indeed, a very easy matter, since the legislator himself has expressly stated this in the Code. For in canon 1530, § 1, n. 3, it is stated: "(It is required) 3° the license of the legitimate Superior, without which the conveyance is « invalid»." But it may be further asked about what the term "invalid" means. For jurists distinguish between two kinds of invalidity, one complete, the other incomplete. The former occurs when the elements of the legal transaction are not lacking, but it is affected by some defect. The latter occurs when something is lacking in the transaction from the intrinsic or essential elements, either by nature of the thing, or by the will of the law or of the parties. The first type of invalidity produces rescission, while the second produces true nullity. And it is certain, from the given definition, that a conveyance carried out without license renders the transaction null. For if something is null, it produces no effect; that is, it does not produce that effect for which the agent was moved to perform the act. And there can be no difficulty in this. For no one would say in our case that a conveyance carried out without due license transfers ownership, given the cited prescription of the Code, in conjunction with canon 1680, § 1, in which it is said: "Nullity of an act



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is held to exist only when those things are lacking in it which essentially constitute the act, or when the solemnities or conditions required by the sacred canons are lacking, under penalty of nullity"; which last precisely applies in our case. Therefore, in our case, we are dealing with an act that is strictly null. Furthermore, what are the effects of an act that is legally null in the strict sense of the term? A null act has no legal existence, and therefore it cannot constitute, nor alter, nor extinguish any legal relationship; hence, for example, a thing delivered in execution of a null act does not pass into the ownership of the acquirer and can be reclaimed from any possessor; - furthermore, a null act lacks any effect and force in relation to all those who have an interest; therefore, not only the buyer, but also the seller, can act against the invalid or null conveyance, as is also clear from § 2 of canon 1534; - then, a null act does not require to be invalidated; - finally, a null act cannot be healed, because it is not.

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis - The official commentary states that it is healed only if it existed; but an act which does not exist, nor ever existed, is null. Furthermore, setting aside other effects, about which we are not presently discussing, something more must be said specifically concerning this last point, which is most closely related to our matter. Therefore, the nullity of an act is incurable, because neither prescription nor confirmation, or ratification, can make a null act valid. And indeed, with regard to a null act, we cannot even speak of prescription. For prescription presupposes a right or an action, which either ought to have been exercised or ought to have been brought about; but in order for a null act not to produce legal effects, no right must be exercised, and no action must be undertaken. Hence, one can always object to the lack of a foundation in an action, which another wishes to bring against him, even if the limits of a thirty-year or longer prescription have elapsed. Cf. Codex, canon 1893. This is what more recent jurists unanimously teach, and what the ancients have taught. Already Licinius Rufinus (1. 210 de div. reg. iur. ant. D., L, 17) said: "That stipulation which was useless from the beginning, cannot be made valid afterwards." And Paulus (1. 29 tit. cit. D.): "That which is defective from the beginning, cannot be made valid by the passage of time"; and all of this was confirmed by Boniface VIII in rule 18 of the Decrees: "That which does not subsist in law from the beginning, is not confirmed by the passage of time." But neither can it be healed by confirmation; for it is healed only if that which, although infirm, nevertheless exists. Therefore, a null act must be newly established in its entirety, without the defect with which it was previously afflicted, and which was the cause of its nullity. We can indeed speak, and jurists and canonists sometimes do speak, of the confirmation, ratification, or healing of an absolutely null act; but this is a figurative expression. For true confirmation or ratification, or healing, is that which has



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the effect of retroaction; for "ratification and mandate are to be compared, and cannot be retracted" (rule 10 of the Decrees). Furthermore, this effect of retroaction can indeed be applied to rescindable acts, but not to null acts, nor does the aforementioned rule of law apply when a mandate is required as a form of the act, or by virtue of authority. We have as a witness Gaius (1. 9 § 5 de auct. et cons. tut., etc., D. XXVI, 8; cf. § 2 de auct. Inst. Iust. I, 21) stating: "The tutor 'must be the author in the very transaction; but afterwards, or by means of a letter interposed, his authority has no effect.'" Therefore, that which is sometimes called the confirmation of a null act is not a true confirmation, but the creation of a new, valid act, which, having all the conditions prescribed by law, produces its effects from now, that is, from the time.

[*Latin ed. p. 385*]

The Congregation of the Council of 385, which was established, produces [results]. Hence, if a minor establishes a will, which he confirms upon reaching the legal age, this declaration of his will does not effect a valid will, which was and remains null; if the confirmation is made with all the formalities prescribed by law, he will have a valid will, which, in substance, will be the same as the first, but formally it will be an entirely new will. And although in a contract, the contracting parties may, if they wish, reconcile themselves, so that a new act or a new transaction is considered to have produced its effects from the time when the act was null, they can indeed do so, but this will be effective by virtue of an added agreement, not by virtue of the previously null act, and it will have effect between the reconciling parties, but not with respect to third parties. The parties freely make this new act or stipulation without any intervention of a magistrate or judge, which, as we have said, cannot heal the null act itself. Likewise, the parties may freely renounce the right, which they have in our forum according to canon 1679, to bring an action to obtain a declaration of nullity from a judge. Thus, for example, in civil law (Italian Civil Code, art. 1311), it is established that confirmation or ratification of a will has no effect unless it is made by the heirs or by those who have a cause of action against the testator, from which it is indirectly deduced that the testator himself cannot, by a subsequent declaration or a new act, ratify a will that is null. These things are rightly established. For the validity or invalidity of a legal act cannot depend on the will of a private person, but only on the prescription of the law, while the interested party is within his power to help himself, or not, by the nullity established by law. Ratification by the testator himself would carry with it the power to substitute formalities different from those prescribed by law, by which a valid will would be effected, which is null by law; on the other hand, ratification by the heirs does not imply this, nor does it make a null will valid, but it solely implies a renunciation by the heirs of the right to invoke a declaration of nullity, and to oppose it,



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a renunciation of the benefits and advantages that might accrue to them from the opposition to the action of nullity. A private person can also make this renunciation. But can a null act, in the strict sense, obtain healing or confirmation with the intervention of a magistrate and the intervention of his authority? Furthermore, from what has been said, the answer is absolutely negative; for the reasons that have been put forward to support the impossibility of healing a null act proceed from the very depths, or from the very legal nature of the act itself. However, one may doubt this from certain texts of law. Certainly, in Roman law (1. 38 De adopt. D. I. 7), it is said: "Adoption not made according to law..."

[*Latin ed. p. 386*]

386 Acta Apostolicae Sedis - Official Commentary: "it can be confirmed by the Prince"; the same is said (l. 3 if he has become major, etc. C, V., 74) in the case of the alienation of a rural property made by a minor without the exercise of the authority that provides high protection (and this is a case very similar to ours) over a certain period of time. Indeed, in our law, with respect to the case in question, it is said that an alienation of ecclesiastical property made by a Prelate, with the Chapter objecting or dissenting, is not valid and should not be observed by his successor, unless, however, the Chapter, with its consent, even afterwards, or after a certain time, approves or ratifies it: "it is certain that, according to the strictness of the law, that concession does not 'hold,' as it is known to have been made by your predecessor while the Chapter was objecting, unless it was subsequently ratified," c. 3 on those things done by the Prelate, etc. X, title III, 10. What, then, should be said? Certainly, the Supreme Prince is above the law. Therefore, just as he can establish new formalities or solemnities for the validity of an act according to general law, so he can do so for a particular act. He can therefore validate an act that is null and void as it currently exists, or with a defect, because he dispenses with that formality from which the act's nullity arises, provided that, as is evident, the nullity arises from a defect in an external solemnity, which comes from his own will. Therefore, he cannot, for example, validate a contract that is null and void due to a lack of consent. Nor can he validate an act retroactively, but only from now on, unless by a fiction of law, granting the parties a privilege and favor that is within his power. Nor can he ordinarily do so by infringing on the rights of a third party who has acquired something; for certainly, no one would say that the Roman Pontiff could, for example, validate the marriage of Caius in such a way as to transfer the inheritance of Titius, who appointed his son Caius as his heir, or, if he had no son, Sempronius, - so that, after Sempronius' death, Titius' inheritance would go to Sempronius, and then Caius, the legitimate son of Caius, would escape, having been born before Titius' death. Therefore, the Supreme Prince can validate an act that is null and void, either now or even retroactively, within the limits



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mentioned above; but only if the Supreme Prince is placed above the law by his ordinary power, because for this it is necessary that the one confirming or validating be placed above the law. This, however, the Supreme Prince can do either through a particular dispensation or through a general law constitution; this, however, cannot be done by lower officials. From these things, it becomes clear what has been brought up, whether from Roman law or from our own law. Applying this to the case at hand, since there is no law in the Code that, assuming the accession of the Ordinary's consent to the alienation,

[*Latin ed. p. 387*]

£. The Congregation of the Council, number 387, having not been completed, it is to be declared that this matter shall be settled, as was established by ancient law, as we have seen, in the case of an alienation made by a Bishop without the consent of the Chapter; it must be said that the Ordinary cannot validate an alienation made without his license, which is required by law.

RESOLUTION. – Concerning the doubts presented in the plenary session of the Most Holy Council held on May 17, 1919, namely:

I. Whether the Ordinary of the place has the power, by virtue of canon 1532, to validate alienations of ecclesiastical goods made without due license, the value of which does not exceed thirty thousand pounds; and

II. Whether, when granting such validation, the same Ordinary must observe the prescribed norms of canon 1532, §§ 2 and 3.

The Fathers judged that the answer should be:

To I. Negatively.

To II. Provided that what is stated in the first [question] is observed.

And having considered the foregoing, the Most Reverend Lord Benedict, Divine Providence, Pope XV, in an audience on the 18th of the following month, deigned to approve and confirm the resolutions given.

I. MORI, Secretary.

## SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH

APPOINTMENTS

By Apostolic Briefs, the following were appointed:

August 1, 1919. – Apostolic Vicar of Beni in Bolivia, Reverend Father Raymundus Calvo, of the Order of Friars Minor.

– Apostolic Vicar of Chaco in Bolivia, Reverend Father Hippolytus Uli, of the Society of Mary.

August 4. – Apostolic Vicar of Libya, Reverend Father Hyacinthus Tonizza, of the Order of Friars Minor.



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– Apostolic Vicar of the Navigator's Archipelago, Reverend Father Joseph Dar, of the Society of Jesus.

September 18. – Apostolic Vicar of Jamaica in the Antilles, Reverend Father William O'Hare, of the Society of Jesus.

[*Latin ed. p. 388*]

388 Acta Apostolicae Sedis - Commentarium Officiale

## SACRA CONGREGATIO RITUUM

DUBLINENSIS.

## DE BEATIFICATIONIS SIVE DECLARATIONIS MARTYRII SERVORUM DEI FIACRII TOBIN A KILKENNIA ET IOANNIS BAPTISTAE DOWDALL AB ULTONIA, ORDINIS MINORUM S. FRANCISCI CAPUCCINARUM, IN HIBERNIA PRO FIDE, UTI FERTUR, INTEREMPTORUM.

Cum adimplebantur biscentum quinquaginta septem Servorum Dei, de quorum martyrii fama causa Dublinensis die 1° februarii anno 1915 introducta fuit, non potuerunt duo sacerdotes e familia Franciscana Capuccinorum, nempe Fiacrius Tobin a Kilkenny et Ioannes Baptista Dowdall ab Ultonia, esse beatificati, quia in actis eorum processualibus nec testes de his rogati fuerunt, nec documenta exhibita, praesertim ob repentinam Postulatoris Dublinensis mortem.
Verum huiusmodi mora praesenti Causae potius favere quam nocere visa est, siquidem novae inquisitioni et disceptationi parata et stricta apparuit via, prioris causae vestigia sectando. Recentior insuper processus in eadem curia Dublinii confectus et Sacrae Rituum Congregationi traditus, completum et testimonia ac documenta



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continet, quae ad duos praedictos Servos Dei eorumque martyrii famam referuntur.
P. Fiacrius Tobin, furente persecutione Cromwelliana, anno 1656, et P. Ioannes Baptista Dowdall, Anna regnante, anno 1710, pro fide, uti asseritur, occubuerunt.
De utroque Servo Dei, prout mos est, aliquid innuere libet.
Fiacrius Tobin, Kilkenniae natus, adolescens in Ordine Capuccinorum cooptatus, Carolopoli, in Gallia, ubi idem Ordo Coenobium habebat, missionibus catholicis Hiberniae augendis destinatus, sedulam navavit operam studiis philosophicis ac theologicis.
Iussu superiorum, anno 1646 in patriam suam reversus, Spiritu Dei plenus et sana doctrina instructus, fidem catholicam bonosque mores apud Hibernas gentes propagavit.
Anno 1650 deditione urbis Kilkenniae peracta in potestatem Cromwellii, aufugientibus ceteris de clero, ipse cum suo converso et altero sodali e Fratribus Minoribus, intrepidus ibi remansit, ut catholicis verbo et opere prodesset, sacramenta ministraret et aegrotis, praesertim lue grassante, inserviret.
Quinque post menses ab haereticis captus et in carcerem coniectus, dum supremum supplicium expectabat, gratiam apud »

[*Latin ed. p. 389*]

The Holy Congregation of Bishops found a way for him to celebrate Mass and perform the sacred ministry to Catholics. Indeed, at the urging of prominent individuals, the Prefect of the city granted him freedom, but only within the confines of the city. In the year 1653, with the promulgation of a law expelling all clergy from Ireland, he was forced to suffer the same fate and leave that island, going to France. But he had barely arrived there, with the consent of the General Commissary of the Irish mission, when he returned to this island. There, for two years, he devoted himself to apostolic labors for the glory of God and the salvation of souls. At the beginning of the year 1656, while traveling on a country road, he was seized and bound



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by one of those who, lured by a promised reward and inflamed by hatred of religion, were searching for Catholic priests to destroy, and was taken to Hewson, the Prefect of Dublin. Interrogated by the judges seated in the court, he openly and ingenuously confessed that he was a priest of the Order of Capuchins, and he declared his profession of faith with Christian freedom: "I returned to Ireland," he said, "to bear witness to the Catholic faith with my blood, and to expect no mercy from those who have already stained so much with the blood of so many martyrs; my only desire is that they, if they wish to give me life, should act according to the law, even if it is the most unjust, and that I should pour out my life for them." In order that his condemnation to death might more firmly confirm Catholics in their faith, the same judges commuted the capital sentence to a harsh exile on the island of Barbados; and until a favorable opportunity arose to sail to those places, the Servant of God was sent, bound, to prison, and handed over to guards to be subjected to cruel torments. After a month, he was taken on a ship, although he was suffering from a fever. The ship set sail from the port of Dublin, and two days later, a storm arose, causing it to seek refuge in the port of Waterford, where, due to persistent adverse winds, it was forced to remain. The condition of the Servant of God during that time is described in a letter from Father Bernardino, the Commissary of the Order of Capuchins, from the place of Mount Saint, sent to the Sacred Congregation of Propaganda Fide on July 20, 1656: "In the ship," it reads, "like a prisoner, chained and burdened, stripped of all things, the Servant of God Fiacrius was held, and to his feverish body, amidst the harshness of winter, were given hard bread, a wooden pallet, putrid water, and half-cooked peas, and a few other meager provisions." He patiently endured all these hardships for Christ, and after them, Father Fiacrius died, as the same Commissary recounts: "From that ship and from the chains of the heretics, he migrated to heaven, undoubtedly a martyr, at least of charity and of his own will, on March 6, 1656." The account of the Commissary is corroborated by the Acts of the Dublin Process, the Bullarium of the Order of Capuchins, and the History of the Persecutions in Ireland, published by the Most Reverend Cardinal Moran.

[*Latin ed. p. 390*]

390 Acta Apostolicae Sedis - Commentarium Officiale - Another hero, worthy of equal praise, is Father John Baptist Dowdall, "born in Ulster, distinguished by lineage and reputation, who, having scorned the vanities and riches of the world, embraced the Order of the Capuchins for the love of Christ and His imitation. He labored for more than forty years in the missions of Ireland. While he was still living, Father Andrew Nugent, Prefect of the missions, wrote to the Sacred Congregation of Propaganda Fide in 1708: "The Venerable Father John Baptist Dowdall, an octogenarian, inflamed with zeal for souls and entirely devoted to the missionary apos-



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tolate for forty years, has brought forth truly remarkable results. He has led many heretics to the faith, administered the sacraments to numerous orthodox nobles, and has been pleasing to all because of the gravity of his conduct." Under the reign of Queen Anne, from 1702 to 1714, persecution against Catholics intensified, especially against priests and religious, particularly those who had converted Protestants to the Catholic faith. At that time, a capital penalty was imposed by a special law, enacted in the second year of Queen Anne's reign, which bore the title: "An Act for further preventing the growth of Popery." But this valiant missionary, intent on his apostolic ministry, applied himself without fear or trembling to promoting the salutary conversion of people, and therefore, he earned the title from Cardinal Moran: "Outstanding for the multitude of heretics whom he brought back into the bosom of the Catholic Church." For this reason, he was apprehended several times by heretics and repeatedly imprisoned in a dark dungeon, where he endured grievous sufferings for Christ. Because of the conversion he effected in a noblewoman, incited by her relatives, the Servant of God was transferred to a London prison, where he was consumed by hunger and cold, and amidst grievous and bitter pains of imprisonment, and the blasphemous voices of those who offended God, he gave up his life in a new kind of martyrdom, and found eternal life, adorned with the martyr's crown, in London, in England, in the year 1710. Thus, the Annals of the Capuchins of Ireland, written by Father Bonaventure Donnelly, Definitor of the Capuchins of Ireland, in 1741; and also Cardinal Moran in the aforementioned work On the persecution of Irish Catholics: Father John Baptist Dowdall, from Ulster, and the Bullarium of the Order of the Capuchins. - These and other facts, gathered from the records of the proceedings and authentic documents, were presented to the Sacred Congregation of Rites as strong arguments to prove the fame of martyrdom, which the Servant of God enjoyed from his death, because prisons, exiles, and torments led him to death, according to common opinion. And so, as this fame of martyrdom grew and persisted, an Informative Process was completed in Dublin, and since all was prepared, with due regard for legal order, to proceed further, at the urging of the Most Reverend Father Raphael a Vallefinaria, of the Order of the Minor Capuchins.

[*Latin ed. p. 391*]

391 & The Congregation of Religious Orders, through its General Postulator, having carefully considered the prior petitions presented in the Dublin case, and considering these new petitions concerning these servants of God, His Eminence and Reverend Lord Cardinal Vincent Vannutelli, Bishop of Ostia and Palestrina, Dean of the Sacred College, and Promoter of this Cause, in the ordinary meetings of the Congregation of Sacred Rites convened at the Vatican, proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be ap-



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pointed in this case and for the purpose in question? And His Eminence and the Reverend Fathers entrusted with the safeguarding of the sacred rites, after hearing the report of the aforementioned Eminence, the Promoter, and after listening to and reading the statements of the Reverend Father Angelo Mariani, General Promoter of the Faith, having diligently considered all matters, decided to respond: Affirmative, that is, that a Commission for the Introduction of the Cause should be appointed, if it pleases the Most Holy [Pope]. July 22, 1919. Having related all of the above to His Holiness, our Lord Pope Benedict XV, His Holiness, having approved the decree of the aforementioned Congregation, deigned to sign with his own hand the Commission for the Introduction of the Cause of the Beatification, or declaration of martyrdom, of the Servants of God Fiacre Tobin from Kilkenny and John Baptist Dowdall from Ulster, of the Order of the Friars Minor of the Capuchin Observance, on the 23rd day of the same month and year. Ijj. CARD. VICO, Archbishop of Porto and Santa Rufina, Prefect. L. © S. Alexander Verde, Secretary.

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis - Official Commentary

## ACTS OF THE SACRED ROMAN ROTA

### MAURANEN. OR CAMBERIEN. SENTENCE OF NULLITY

During the happy reign of Pope Benedict XV, in the fourth year of his pontificate, on the 13th of July, 1918, the Most Reverend Fathers, Doctors John Prior, Aloysius Sincero, and Frederick Cattani Amadori, Auditors on duty, in the case of Mauranen, or Camberien, concerning a sentence of nullity, rendered the following definitive judgment.

In the diocese of Mauranen, among more than forty oratories established by the piety of the faithful, there exists a small chapel, dedicated to Saint Bernard, in the parish of La Borge. The administration and modest revenues of this chapel are entrusted to a procurator, chosen freely by certain families of the same parish. For several years, the procurator was Olympia Martin, who was succeeded in 1905 by a priest, native to the same parish, John Baptist Gilloz, who diligently fulfilled the duties entrusted to him until 1909. At that time, intending to leave the diocese of Mauranen and embrace a religious life, he deposited the chapel's funds, amounting to approximately 800 livres, with the public notary of the town of St-Michel, Mr. F. Buttin.

However, in the following year, 1910, when Father Gilloz intended to embrace a religious life and, for this purpose, requested the customary testimonial letters from the Ordinary of Mauranen, the Bishop warned him that,



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according to the sacred canons, it was not permissible for anyone to enter religion who was burdened with debts or subject to the administration of another's property, and therefore, he must not do so unless he had first settled the chapel's funds.

[*Latin ed. p. 393*]

On the 393rd day of the month of Bota, referred to as "de la Borge," it was determined that, having received a proper accounting of the administration, it was possible to grant the requested documents to the aforementioned orator. The priest, Gilloz, readily complied with the Bishop's wishes, writing in September of the year 1909: "There is no difficulty in this, since those interested have the receipts in their possession and they can take possession of the documents whenever they wish, at Mr. Buttin, the notary in St-Michel.... Everyone knows that I left these documents with Mr. Buttin, pending the time that those interested would kindly go to take possession of them. I desire nothing more, and I have had Mr. Buttin write that as well. As for the accounts, they have been rendered, are very simple, and present no difficulties." However, the mother of the aforementioned, Emilia Gilloz, a widow, opposed the restitution of the deposit; indeed, she openly declared to the Bishop, "that the Bishop and the priest had nothing to do with the administration of the funds of this chapel." Finally, at the beginning of January 1910, the Bishop instructed the Reverend parish priest, Durieux, to whose parish (Valloires) the locality of la Borgé belongs, to exert every effort to recover the aforementioned documents from the hands of the notary, which was happily accomplished within a few days, so that the parish priest, on January 7, 1910, was able to inform the Bishop that he had already received the documents, adding: "I will take care to return them to safe hands; I will call a meeting of the village on Sunday." However, the documents remained in the hands of the parish priest for almost two years, without those interested in the locality claiming them. The widow Gilloz, however, did not approve of the plan of leaving the funds of the chapel under the guardianship of the parish priest, and, in October of the year 1911, she instructed her appointed representative, the Reverend D. E. Tachy, to use suitable means to persuade, or even to legally compel, the parish priest to return them to her, so that he would then hand them over to the designated representative. Upon receiving the instruction, the representative informed the Official of the Maurienne Curia, Mauran, on October 16, 1911, requesting that the parish priest Durieux be summoned, and that a judgment be rendered, obligating him "to restore the funds of the chapel to the state in which they were" before. The Official responded on October 24, 1911: "You have done me the honor of writing to me regarding a chapel claimed with its assets by the Gilloz family of Valloires, Savoie. Information is being gathered, but it is still incomplete.... I hope that everything will be resolved without a trial." The representative replied on October 27: "The



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parish priest of Valloires must restore things to the state in which they were before his intervention, made without a regular judgment by ecclesiastical authority.... If he wishes to do so amicably, we consent; otherwise, we maintain our demand for a judgment from the Official, rendered as soon as possible."

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis - Commentarium Officiale concerning "relative enjoyment." The Official sent a letter to the patron on November 29, 1911, stating that the families of the parish, having been legitimately convened on November 26 of the preceding year, had elected Josephine Rol as the procurator of the chapel of the Most Holy Joseph, and had entrusted her with the assets of the chapel. On December 2, the patron, Mr. Gilloz, protested against the actions of other families in the election, claiming that it was contrary to the rights of the Gilloz family, and requested that it be declared null, as it was made during a pending dispute, and that the main issue be resolved judicially regarding possession. On January 23, 1912, the Official explained the reasons to the patron, but the latter, on January 24 of the same month, insisted again that a definitive solution be reached regarding the disputed matters, in accordance with judicial procedure. The Maurienne Tribunal, however, rejected the request presented at the beginning of the proceedings by an interlocutory judgment of January 29, 1912, because the plaintiff did not have the right to initiate a lawsuit in the matter in question: "The Official judges and pronounces that Madame Gilloz did not have sufficient grounds or means to initiate her request; therefore, she is not admissible to directly and immediately invoke a judge in her favor, and thus she is not admissible." Against this judgment, which had the force of a final judgment, the patron of Madame Gilloz appealed to the Metropolitan Court of Chambéry, which, by a judgment rendered on August 5, 1912, overturned it, and did not hesitate to address the merits of the main case due to an exception of bias against the judge of the first instance, which it considered to be sufficiently proven, either by the condition of Father Gilloz, the plaintiff's son, in relation to the Ordinary of Maurienne, or by the conduct of the parties of the Official of the same Court, who had advised the parish priest Durieux to transfer the assets of the chapel to other hands after the action initiated by Madame Gilloz, whom it also condemned without a hearing. Regarding the main case, the same judgment issued the following declarations and dispositions: "The Tribunal... declares and pronounces that Mr. Abbé Gilloz, as procurator, was unjustly deprived of his rights: Consequently, it condemns Reverend S. Durieux: 1) to deliver, before the end of the month of August, the assets of the chapel of la Borgé to Master Buttin, a notary in St-Michel de Maurienne, to whom Mr. Abbé Gilloz had entrusted them, and who will kindly keep them provisionally as a sequestrator; 2) to provide an exact account of



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his administration from the moment he took possession...; 3) to inform the Metropolitan Official of the fulfillment of these obligations. In case of refusal by Mr. Buttin: We will constitute ourselves as sequestrators, and we demand that Reverend Durieux send us the assets and the account; 4) furthermore, respecting...

[*Latin ed. p. 395*]

The Roman Rota, number 395, concerning the rights of co-owners, and judging that it is proper to consult them in the present situation, suspended Mr. the Abbot Gilloz from his office as procurator, and invited Dame Gilloz, his mother, to convene a plenary assembly of the family of the Borge, which either will reinstate Mr. the Abbot Gilloz in his functions as procurator, or will appoint a successor to him...

After the fatal lapse, the parish priest Durieux appealed to the Most Holy Order against the validity of the sentence of the Metropolitan Curia, with the Reverend J. B. Gilloz participating in the cause, to whom, as well as to his mother, free legal assistance was granted, as well as to the Ordinary of Maurienne, to defend the diocesan rights. The following points were raised for consideration by the parties: 1) Whether the sentence of the Curia of Camberiensis is null in this case. 2) Concerning the merits of the cause, previously agreed upon in a different manner, at the request of the patron, the Bishop, with the consent of the other party, as well as the Promoter of Justice, the Tribunal definitively decided: Whether the appointment of a procurator for the chapel of la Borge, made at the Congress of November 26, 1911, to safeguard and administer the goods of the same chapel, is valid.

With regard to the nullity of the sentence, it is known in the Roman Rota that, with respect to sentences which contain substantial elements of judgment, as required by natural law, only three grounds for nullity are considered, those dependent on positive law, namely, lack of mandate, lack of citation, and lack of jurisdiction (cf. Rota, Treviren., before Many, on May 15, 1913; Biturgen., before Prior, on April 27, 1917). In our case, there was no lack of mandate, since Dame Gilloz, the appellant, through her patron, who appealed to the Metropolitan Curia in her name, was provided with a legitimate mandate for this purpose in a letter sent to her on September 4, 1911. Nor does a lack of citation render the sentence null. Although the form of citation, which appears in the letter from the Official of Camberiensis dated April 13, 1912, to the parish priest Durieux, seems defective, since no term for comparison is designated before the Tribunal, without which no one can be declared in contempt, and the parish priest himself wrote on June 25, 1912: "I did not know, until I received your letter, that I was being brought before the Officiality by Mrs. Gilloz"; nevertheless, the parish priest actually appeared in court, which is sufficient for all legal purposes of citation. Indeed, it is useless to cite someone who is present. Reiffenstuel states (lib. I, title 3, n. 111-112): "If, after an illegitimate cita-



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tion has been made, the person cited voluntarily appears, the citation is validated by his appearance, and he is considered as cited as if the citation were legitimate... because the mere presence of a party, without any other citation, is sufficient for the process and the judgment of the judge to be valid. Although he should not be regularly cited, since the effect of citation is essential to the matter in dispute."

[*Latin ed. p. 396*]

396 Acta Apostolicae Sedis - Commentarium Officiale: « quando pars est praesens. Et hinc nulliter citatus, quamvis compareri non teneatur, si tamen comparuerit, non amplius excipere potest « contra nullitatem executionis citationis, haec enim per comparationem « iam fuit convalidata ». Iudex metropolitanus etiam iurisdictionem habebat ad appellationem recipiendam a sententia tribunalis inferioris, quamvis ista non definitiva, sed tantummodo interlocutoria esset, quia vim definitivae habebat. A sententia enim interlocutoria vim definitivae habente licet appellare iuxta Concilium Tridentinum in cap. 20, sess. 24, de Ref. Post prolatam enim sententiam Curiae Mauranensis, qua exclusum fuit ius agendi ex parte Dñae Gilloz, nulla spes aderat, .dum illa immutata maneret, aliam sententiam habendi in eadem instantia. « Signa sententiae interlocu« toriae habentis vim definitivae, ait Reiffenstuel (lib. II, tit. 27, de Sent. « et re iudic, ri. 18), sunt sequentia : primo, quando post ipsam non « speratur alia sententia in eadem instantia, eo quod ipsi finem impo« nat ; tunc manifestum signum est, eiusmodi sententiam interlocutoriam « habere vim definitivae. Talis est sententia, qua Iudex interloquendo « pronuntiat aliquos non posse vel non potuisse de iure appellare ». Competens autem non erat Iudex metropolitanus ad iudicandum de merito causae principalis, quia agebatur de appellatione a sententia interlocutoria a iudice primi gradus emissa, quin ullo modo tractaverit de causa principali, prout explicant auctores in commentariis super cap. Olim, 7, de exceptionibus. Ita Pirrhing in hunc locum (tit. de exceptione., n. 42): « Ratio autem, cur Iudex appellationis non possit cogno« scere super causa principali, est ; quia, cum Iudex, ad quem appel« latum est, succédât Iudici, a quo appellatum est, de eo tantum debet « cognoscere, super quo appellatum fuit; sed Iudex a quo super meri« tis causae principalis nihil cognovit, ergo neque Iudex appellationis « de iis debet cognoscere ». Item Reiffenstuel, in tit. de exceptionis, lib. 2, n. 87. Neque obstat quod sententia interlocutoria vim definitivae habeat, quia, ut ait Reiffenstuel, in tit. 27, de sent. et re iudic, n. 25: « Si (sententia interlocutoria habens vim definitivae) sit talis sententia, quae « non omnino finit officium iudicis, sed potest adhuc ab eo iustitia conc sequi , tunc ea est regulanda tamquaminterlocutoria » . Patet, vero, post reformatam sententiam interlocutoriam Curiae dioecesanae, qua excludebatur ius agendi ex parte actricis, viam iam apertam fuisse ad iustitiam consequendam coram tribunali primi gradus, cuius sententia reformata nullum praeiudicium at-



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tulit inquisitioni super merito causae principalis faciendae.

396 Acta Apostolicae Sedis - Official Commentary: "when a party is present. And therefore, although he may not be required to appear, if he does appear, he can no longer object "to the nullity of the execution of the summons, because this has already been validated by his appearance." The metropolitan judge also had jurisdiction to hear an appeal from the sentence of the lower court, even though that sentence was not final, but merely interlocutory, because it had the force of finality. It is permissible to appeal from an interlocutory sentence that has the force of finality, according to the Council of Trent in chapter 20, session 24, on Reforms. After the sentence of the Mauran Court, which excluded the right to act on the part of Mrs. Gilloz, there was no hope, "as long as it remained unchanged, of obtaining a different sentence in the same case. "The signs of an interlocutory sentence that has the force of finality, says Reiffenstuel (book II, title 27, on Sentences "and judicial matters, article 18), are the following: first, when after it "it is not expected that another sentence will be issued in the same case, because it imposes an end to it; then it is a clear sign that such a sentence "has the force of finality. This is a sentence in which the judge, by intervening, "declares that some people cannot or could not legally appeal." However, it was not the duty of the metropolitan judge to judge the merits of the main cause, because he was dealing with an appeal from an interlocutory sentence issued by a judge of the first instance, and in no way did he deal with the main cause, as the authors explain in the commentaries on chapter 1, 7, on exceptions. Thus, Pirrhing, in this passage (title on exceptions, no. 42): "The reason why the judge of appeal cannot "know about the main cause is because, when the judge to whom "an appeal has been made succeeds the judge from whom the appeal "has been made, he must only know about what has been appealed; but the judge from whom nothing is known "about the merits of the main cause, therefore neither must the judge of appeal "know about those things." Also, Reiffenstuel, in title on exceptions, book 2, no. 87. It does not matter that the interlocutory sentence has the force of finality, because, as Reiffenstuel says, in title 27, on sentences and judicial matters, no. 25: "If (an interlocutory sentence that has the force of finality) is such a sentence, which "does not completely end the duty of the judge, but can still be followed by justice from him, then it must be treated as interlocutory." It is clear, however, that after the reformed interlocutory sentence of the diocesan court, which excluded the right to act on the part of the plaintiff, the way was already open to obtain justice before the court of first instance, whose reformed sentence did not prejudice the investigation into the merits of the main cause.

[*Latin ed. p. 397*]

Saint Roman, Book 3, Chapter 97. This arrangement of law, which in-



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dicates the incompetence of the metropolitan Curia with respect to the judgment on the merits of the principal cause, did not escape the eyes of the Judge of the Curia of Chambéry, who, in the judgment rendered, stated: "Considering that this principal question should be referred to the Tribunal of Saint-Jean de Maurienne, which has not yet examined and resolved it," he erroneously believed that such a Tribunal was incompetent due to the exception of suspicion raised against the judge of the first instance: "but that an obstacle stands in the way, namely, the alleged exception of suspicion against the judges of the first instance." The exception of suspicion does not have the power to change the degree of judgment. Concerning this matter, Pirrhing states (Book II, Title 28, on Appeals, n. 237): "One cannot appeal to a judge who is suspected, either in the ordinary or regular manner; firstly, because, according to common law, a remedy is granted, namely, recusal, if the judge is suspected; secondly, because, precisely because he is suspected, there is no impediment: therefore, there is no basis for an appeal, since the impediment is the immediate cause of the appeal." And in Chapter 41, Title 28, on Appeals, it is prescribed: "...when someone alleges that a judge is suspected, he must present the cause of suspicion before the same judge..." But the parties, whether to a single judge or to some not very distant judges, must be compelled, by the same judge who is named as suspected, before whom or before whom, if the cause of suspicion is not proven within the competent time limit, then the judge must exercise his authority. But if, before them... the cause of suspicion is proven, the recusant judge must abstain from the knowledge of the case." The ancient law, which prohibits changing the degree of judgment due to an exception of suspicion, is confirmed in canon 1615, I, of the recently promulgated Code of Canon Law: "If a single judge or any, or even all, of the judges who constitute a collegiate tribunal are declared to be suspected, the persons must be changed, but not the degree of the judgment." Furthermore, although it is not necessary for us to investigate the justice of the exception of suspicion, which, in fact, was raised before a tribunal that was not competent, it is worth noting that, whatever value the two of the three reasons for the alleged suspicion might have had in the judgment of Chambéry, namely, the report of the priest Gilloz to the Bishop of Maurienne and the advice given by the diocesan official, the parish priest Durieux, that condition has now been lost before the appeal to the Metropolitan Curia was interposed, because the widow Gilloz had, in fact, consented to the judge of the first instance. The exception of suspicion, like all dilatory exceptions, must be raised from the beginning of the trial, before the dispute is contested, as prescribed in Chapter inter monasterium, 20, Title 27, on judgments and legal proceedings, argument Chapter Insinuante, 25, on Official, Delegated, Authentic Offer, in the same



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Title, on contested proceedings.

[*Latin ed. p. 398*]

398 Acta Apostolicae Sedis - Official Commentary (cf. Schlmalzgrueber, in tit. de exceptione, n. 20 et tit. 28, de appellat, n. 133; Reiffenstuel in tit. de appell., n. 268). If a party in dispute knew of reasons for suspicion at that time and nevertheless neglected to raise the exception at the appropriate time, that party can no longer bring it up, provided it is presumed that they have consented to the judgment (cf. Rota, Biturgen., before Prior, on April 27, 1917). Indeed, the facts alleged by the plaintiff were known to the defendant's counsel on December 2, when, in a letter sent on that day to the Official, he requested a judgment on the merits of the principal cause. Therefore, there was no reason to deviate from the general rule, which stipulates that after a judgment in a case of appeal, the judge of the court of first instance must judge the merits of the principal cause, even if an interlocutory judgment has been rendered. Therefore, the judgment of the Camberiensi court does not address the principal cause. Having declared the metropolitan judgment null, it remains to be seen, as proposed in the second question, whether the appointment of the procurator of the chapel of la Borge, made at the meeting of November 26, 1911, to safeguard and administer the assets of that chapel, is valid. For, according to the style of the Sacred Rota, after the question of the nullity of the judgment has been resolved, the rights of the parties are also considered. Thus, Decision 191, n. 8, part. 2, Recentiori: "Where a cause of nullity has been committed, the Auditor, knowing of the nullity, can also consider the principal matter, and revoke the prior unjust judgment, because of its injustice." And Coccinus, in the authoritative Decision 474, n. 8, part. 2, vol. I, Rec.: "Nor does it mean that the Finetti decision says that after confirmation of the judgment, there is no longer any need to consider the nullity, but rather to consider the validity of the rights, which consideration of the validity of the rights is contrary to the principle of res judicata, because this is generally true, but it does not apply in the Rota, since it follows the judgments of other tribunals only after having examined their justice. See Decis. 401, lib. primo, Chissan, Decis. 179, and it is well known and established in the Rota." Regarding the question of the principal cause, as it is to be resolved in the second question, it should be noted that the records of the proceedings carried out in the Camberiensi court were not completely submitted to the Most Holy Tribunal. In response to a request from the Reverend Ponent, at the urging of the Bishop of Maurienne and the parish priest Durieux, the Official of the metropolitan court replied, "believing the cause to be definitively judged and concluded, and since no appeal had been filed within the time limit prescribed by law, he (the Official) no longer considered it necessary to keep the file in its entirety." However, it is hoped that the parties, along with the distribution of the documents, have presented documents from



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which knowledge of the rules of election can be obtained.

[*Latin ed. p. 399*]

The Roman Rota, in case 399, concerning the appointment of a procurator, or regarding the alleged rights of the Gilloz family, affirmed by the Gamberi decision, namely that the priest Gilloz still fulfills the office of procurator, and that the Gilloz family enjoys a certain form of legal protection from the chapel. However, this has proven to be a false hope. A certain document from the Most Reverend Lord A. Fodere, Bishop of Mauran, (dated March 30, 1840) speaks of the procurators of rural chapels and their remuneration, but it says nothing about the rules for their election, or about any statute or custom governing them. Nevertheless, without such prior knowledge, a judgment could not be rendered regarding the validity of the election of the procurator in the assembly of the families of the parish of La Borge, held on November 26, 1911. Consequently, the supplementary proceedings, which were initiated in 1914, could only be concluded in 1917, due to difficulties in postal communication, etc., arising from the immense war. The first question to be resolved regarding the validity of the disputed election is: whether the office of procurator was vacant in November 1911, when the new election was held? We believe the answer to be affirmative. Witnesses were legally questioned: "Could someone be appointed procurator, or continue to be one, who would move away, go more or less far away, for a time that seems to be long, perhaps forever?" All, except for those involved in the case, namely Father Gilloz, and with only a few exceptions who admitted to being ignorant of the matter, answered that such a departure could only be compatible with the office of procurator for a limited time. Therefore, the witnesses declared that someone who definitively leaves a place and does not intend to return cannot fulfill the office of procurator. Father Gilloz, however, had definitively left the place and the diocese of Mauran. Whatever the reasons may have been for his initial decision to leave the diocese, it is undeniable, from the correspondence between himself and the Ordinary of Mauran in the years 1909-1910, that he intended to enter a religious novitiate in the town of St-Quentin, which he actually entered in April 1914. This, in itself, implies a departure from the place where he was to perform the duties of procurator, with the intention of not returning. Furthermore, the state of being a novice is incompatible with the administration of affairs, which can easily be carried out by others equally interested. Therefore, the petitioner, in a letter to the Bishop dated September 20, 1909, requested that the goods of the chapel be returned to those who had a right to them, after providing an account of the transactions. In response, Father Gilloz, in a letter dated September 22, stated that he would gladly fulfill the condition imposed: "There is no difficulty in this, since the interested parties have the receipts in their hands, and they can take possession of the documents whenever they wish, from



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Mr. Buttin, the notary in St-Michel... I have left these documents with Mr. Buttin, waiting for..."

[*Latin ed. p. 400*]

400 Acta Apostolicae Sedis - Commentarium Officiale: "et ceux qui le souhaitent sont invités à venir en prendre possession. Je "ne désire que cela, et je l'ai fait écrire par M. Buttin encore." "Quant aux comptes, ils ont été rendus, sont très simples, et ne présentent aucune difficulté." Concernant la restitution des biens de la chapelle, dans la mesure où cela dépendait de lui, elle a été effectuée en présence des personnes intéressées, avec un rapport détaillé de la situation, au moment où il a définitivement quitté le diocèse, ayant lui-même assumé la charge de procureur. Par conséquent, le poste de procureur était vacant au moment du congrès où une nouvelle élection a eu lieu. De plus, tous les témoins qui ont répondu aux questions du juge dans cette affaire déclarent que la famille Gilloz ne jouissait d'aucun privilège particulier par rapport aux autres membres de la chapelle commune; ce que le prêtre Gilloz lui-même admet, à l'exception de la garde des clés. Il dit: "La famille Gilloz n'est qu'une "co-propriétaire, tout comme les autres familles, et au même "titre, à l'exception de la possession de la clé, depuis des temps "immémoriaux"." Dans ces circonstances, étant donné que le poste de procureur était vacant, et exerçant leur droit d'élection, les membres de la paroisse se sont réunis le 26 novembre 1911, et ont élu Madame Josephine Rol au poste de procureur. Cette élection est donc valide, à moins que le contraire ne soit prouvé. La partie défenderesse, représentant le prêtre Gilloz et sa mère, a tenté de prouver le contraire sur quatre points: a) parce que l'élection a eu lieu alors qu'un litige était en cours, et par conséquent, elle est soit nulle, soit doit être annulée; b) parce que Madame Gilloz n'a pas été convoquée à la réunion des électeurs; c) parce que deux des personnes prétendant être électeurs, dont les noms sont inscrits dans le document d'élection, n'étaient pas présents à la réunion, à savoir Jean Martin et Francis Magnin; d) enfin, parce que le curé Durieux, en convoquant les électeurs, et en demandant les titres de la chapelle à un notaire, s'est illégalement ingéré dans l'administration de la chapelle, qui ne dépend d'aucune autorité ecclésiastique. Cependant, ces arguments ne prouvent pas la thèse de la partie défenderesse, comme il ressortira des explications suivantes. L'interdiction générale de droit contenue dans le titre 16, livre II, des Décrétales, "Ut lite pendente nihil innovetur", interdit toute modification qui pourrait causer un préjudice à l'une des parties en litige, que ce soit à l'demandeur ou au défendeur, tant que le litige n'est pas mené à son terme (cf. Lega, De iudiciis, in h. t., p. 558, par. I). Le litige portait sur la possession des titres de la chapelle La Borgé, qui étaient détenus par le curé Durieux contre la volonté de l'une des personnes intéressées, Madame Emilia Gilloz. Lors de la réunion du 26 novembre 1911, deux décisions ont été prises par les personnes convoquées, à savoir, l'élection du procureur,



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et la remise des titres de la chapelle au procureur élu par le curé. En effet, premièrement, l'élection du procureur n'a causé aucun préjudice à l'actrice par rapport à l'objet du litige.

[*Latin ed. p. 401*]

401. Sancta Romana Bota, sed solummodo secundum, sive traditio titulatorum a parrocho facta, quae impediebat ut tituli directe in manus actricis pervenirent. Actio intentata enim directa non fuit contra alias pagi familias in cappella interesse habentes, quarum potius iura actrix per actionem iudicialem se tueri putabat, ut patet ex mandato procurationis diei 4 septembris 1911 patrono concesso, ubi ait: « C'est un devoir de conscience « pro me de ne pas laisser entamer ni péricliter les droits de ma « familia... et des intéressés ». Tunc temporis etiam praevidebat novi procuratoris nominationem cui titulos recuperatos remittere intendebat, ut ex eodem mandato liquet: « Je pourrai ensuite faire ce q u ' i l faut « pour remettre les fonds au procureur nommé ». Ideoque, etiamsi lis penderet tempore quo facta est electio procuratoris, validitati eiusdem non obstabat. Sed eo tempore lis non pendebat sensu canonico. Litis enim pendentia quoad effectus iuridicos non inducitur per oblationem libelli; sed requiritur ut citatio, in qua res controversa exponitur, emissa sit et ad partem citatam pervenerit, ut clare definitur in cap. % Quum lite pendente (Clem., tit. V, lib. 2): « Quum lite pendente nihil debeat innovari, « litem quoad hoc pendere censemus, postquama iudice competenti in « ea citatio emanaverit, et ad partem citatam pervenit, vel per eum « factum fuit, quo minus ad eius notitiam perveniret: dum tamen in « citatione praedicta talia sunt expressa, per quae plene possit instrui, « super quibus in iudicio convenitur ». Iamvero, die 26 novembris 1911 nondum citatio a iudice emanavit. Actrix, enim, in mandato ad patronum misso, et ab ipso die 16 octobris 1911 iudici porrecto tanquam actionis libello, duo alternativa proposuit: a) ut sine lite parochus induceretur ad titulos restituendos, vel b) ut per actionem iudicialem ad idem obligaretur. Scripsit enim actrix: « Je vous en prie, de vouloir bien faire « les démarches nécessaires, soit pour décider Mr le Curé à restituer « et à me remettre les fonds en question, avec un compte exact de sa « gestion, soit pour porter cette affaire au besoin devant l'officialité « diocésaine, et même au Métropolitain jugeant en appel ». Respondit Officialis, die 24 octobris 1911: « J'aime à espérer que tout s'arrangera « sans procès », quibus verbis satis innuit citationem ad litem inchoandam non fuisse emissam, nec probabiliter emissuram iri. Nec tamen institit actricis patronus ut processus fieret. Tantummodo post notitiam acceptam de congressu diei 26 novembris habito categorice petiit die 2 decembris 1911 ut res iudiciali ordine dirimeretur. Secundo loco opponit patronus actricis ipsam non fuisse vocatam ad congressum



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electionis. Imprimis dicendum est de omissa convocatione.

[*Latin ed. p. 402*]

The Acts of the Apostolic See – An Official Commentary does not state that: no witness asserts this, nor is it derived from any document. Nor would the calling of Mrs. Gilloz to the aforementioned assembly invalidate the election of the procurator, because the calling of all electors does not pertain to the essential form of the election; but he who, having the right to elect, is not called, or is disregarded, as the canonists say, can pursue the contempt, or can request from the Superior or from a judge that the election be declared invalid, because he was not called to the election: if, however, he neglects to pursue this contempt in this manner, he is presumed to have renounced his right. On this matter, Pirrhing writes (lib. I, tit. 6, n. 140 seq.): "The calling of 'absent' members of the Chapter, even those who ought to be called, does not pertain to the essential form of the election, because even those who are not called can have a valid election, although it may be rescinded if the contempt is pursued." And in n. 143: "If the elector, or one who was not called, remits, expressly or tacitly, his right to pursue the contempt, or to challenge the election on account of his contempt, then the judge or Superior to whom the confirmation pertains cannot, ex officio, or at the request of the adversary, rescind the election." Mrs. Gilloz, however, did not pursue the contempt, nor did she request that the election be declared invalid on account of her contempt, but only because a lawsuit was pending, or because the office of procurator was not vacant at that time; these are the reasons alleged in the Chambéry judgment. It is true that the advocate, in a letter sent on December 2, 1911, to the Official of Chambéry, wrote: "The Gilloz family protests against the decision taken by the other families; considering it contrary to the right that they possess and injurious to the Abbé Gilloz"; but these words do not claim that the mother's right to be called to the election was violated, for there is no mention of a violation of such a right in the records of the proceedings before the metropolitan court, where the plaintiff had ample opportunity to assert her right. The only reasons considered by the metropolitan judge with respect to the invalidity of the election were the pending lawsuit and the vacancy of the office. Nor can the judge invalidate the election on account of the contempt of the elector, as Pirrhing, cited above, teaches, unless the elector himself requests it on the grounds of his contempt. In our case, such a request was not made, nor was the contempt itself proven. Thirdly, it is objected that two of the signatories of the document referring to the decisions of the family meeting of November 26, 1911, namely, John Martin and Francis, declared before witnesses that they were not present at the aforementioned meeting, nor did they sign the document. Firstly, with regard to both, it must be noted that the aforementioned declarations are based only on extrajudicial



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testimony; for no witness testified judicially in the case about these words.

[*Latin ed. p. 403*]

Saint-Boman, October 4th, 1837. Francis Magnin, for his part, admits that he was summoned to the meeting, and therefore, he cannot complain about the matters decided there by the electors present in his absence. He admits that his wife was present at the assembly, and he asserts that she signed the document bearing his husband's name. Indeed, since the right to administer the chapel and to elect a procurator pertains not to individuals but to families, in the absence of the head of the family, the family can be represented by another member, unless it is forbidden by statute or custom, and there is no indication of such a prohibition in this case. Furthermore, he does not complain about the election of the procurator itself, but about the removal of the altar furnishings from the custody of the Gilloz family. Therefore, the protestation of Francis Magnin does not harm the validity of the election. Also, John Martin does not complain that he was not summoned; therefore, he has no right to complain about the matters concluded in his absence, if he was indeed present. Furthermore, although he was summoned to give testimony before a judge delegated by the Sacred Roman Rota, he actually appeared before that judge and gave a false account of the matter in dispute, and he made no protestation about the proceedings of the aforementioned assembly. Moreover, according to the extrajudicial declaration of Margaret M. Moussard, he is not complaining about the election of the procurator, but about the removal of the altar furnishings from the custody of the Gilloz family in Le Conquet. Therefore, the declarations of John Martin are not helpful to the plaintiff. Finally, the actions taken by the parish priest Durieux, whether according to the mandates or advice of the diocesan curia, or in recovering titles from the notary Buttin, or in summoning the families to a new election of the procurator, did not exceed the authority of the Bishops, as defined by the Council of Trent in chapter 8, session 22, concerning reforms: "Bishops, even as delegates of the Apostolic See, in cases lawfully granted to them, are executors of all pious dispositions, both in the last will and testament, and between living persons; and they know and execute all things pertaining to the worship of God, or the salvation of souls... according to the statutes of the sacred canons; without prejudice to any custom, even if ancient, privilege or statute." Similar things are decreed in chapter Tua nobis, concerning Testaments. In our case, we are dealing with a chapel which is closely dedicated to the worship of God. Furthermore, according to the diocesan regulations concerning rural chapels, among which is the chapel of the place called La Borgé, which belongs to the Council of the Fabric, whose president is the parish priest, it is incumbent to urge the election of a new procurator when this office is vacant. Having considered all these matters in law and in fact, invoking the name of Christ, We, the



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undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, decide, declare, and define:

[*Latin ed. p. 404*]

404 Acta Apostolicae Sedis - Official Commentary: We definitively pronounce, answering the proposed doubts: to the first, affirmatively, that is, that the sentence of Cambier is null and void in this case; to the second, affirmatively, that is, that the appointment of the procurator of the chapel of "La Borge" made in the meeting of November 26th, for the custody and administration of the goods of said chapel, is maintained. However, we decree that the judicial expenses are to be borne by the parties. Furthermore, we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred Canons, and especially chapter 3, session 24 of the Council of Trent, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Sacred Roman Rota, July 13, 1918. Ioannes Prior, President; Aloysius Sincero; Fridericus Cattani Amadori. From the Chancery of the Sacred Roman Rota. Sac. Tani, Notary.

[*Latin ed. p. 405*]

Diarium Romanae Curiae 405

## DIARIUM ROMANAE CURIAE

### SEGRETERIA DI STATO

AVVISO

The Directorate of the "Annuario Pontificio" (Pontifical Yearbook) within the Secretariat of State earnestly desires to inform the Most Reverend and Venerable Ordinaries of the dioceses, the prelates' colleges, the Superiors General of the religious orders, the Rectors of the ecclesiastical colleges, and all dignitaries belonging to the Papal Court, to transmit in a timely manner the reports and corrections necessary for the edition of the "Annuario" for the coming year, 1920, in accordance with the circular letter of His Eminence, Cardinal Gasparri, Secretary of State, dated July 15, 1915, and the specific instructions received at the time of appointments and promotions.

APPOINTMENTS:

By a letter from the Secretariat of State, the Holy Father has deigned to appoint:

September 10, 1919. Mr. Giuseppe Barluzzi, Archivist of the Secretariat of State.



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By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistant to the Papal Throne:

August 24, 1919. Monsignor Enrico Hanlon, titular Bishop of Teo.

Protonotaries Apostolic *ad instar participantium* (in the manner of those who participate):

September 5, 1919. Monsignor Giuseppe Hallé, Apostolic Prefect of Upper Ontario.

September 15, 1919. Monsignor Carlo Luigi Di Leila, of the diocese of Télese.

September 16, 1919. Monsignor Francesco Portalupi, of the diocese of Pavia.

September 19, 1919. Monsignor Alberto Dien, of the archdiocese of Paris.

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis - Official Commentary of the Domestic Prelate of His Holiness: June 11, 1919. Monsignor Augusto Boulet, of the archdiocese of Québec.

June 15th: Monsignor Giovanni Guglielmo Norris, of the diocese of Trenton.

September 4th: Monsignor Carlo Lagier, of the archdiocese of Paris.

September 5th: Monsignor Nehmatalla Abi Giaudé, of the Maronite archdiocese of Cyprus.

September 19th: Monsignor Luigi Giuseppe Lalieu, of the diocese of Tournay.

September 23rd: Monsignor Enrico Pucci, of Rome.

September 24th: Monsignor Francesco Nannini, of the archdiocese of Lucca.

September 24th: Monsignor Luigi Testoni, secret chaplain of His Holiness.

HONORS

By Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: September 13, 1919. To Mr. Abdon Cifuentes, of the archdiocese of Santiago del Cile.

The Grand Cross of the Order of Saint Gregory the Great, military class: September 11, 1919. To Mr. Stefano Saverio Shinjiro Yamamoto, captain of a warship in the Japanese navy.

The Commander's Cross of the Order of Saint Gregory the Great, civil class: August 22, 1919. To Mr. Francesco Billón, of the diocese of Liegi.

September 1st: To Mr. Prince Salim Amin Bellamá, of the archdiocese of



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Cyprus.

September 2nd: To Mr. Count Giuseppe De Meeus, of Leuven.

September 4th: To Mr. Pietro Teofilo Legare, of the archdiocese of Québec.

September 5th: To Mr. Giorgio Garneau, of the same archdiocese.

The Knighthood of the Order of Saint Gregory the Great, civil class: August 26th.

September 5th: To Mr. Alfredo Ciani, of Rome.

September 22nd: To Mr. Luigi Toulemonde-Lorthois, of the diocese of Lille.

To Mr. Gregorio Béttencourt Perestrello, of Georgetown.

To Mr. Roberto Goenaga, formerly secretary to the Minister of Colombia at the Holy See.

[*Latin ed. p. 407*]

Diarium Romanae Curiae 407. The Knighthood of the Order of Saint Gregory the Great, military class: August 28, 1919. To Mr. Pio Carlotti, second lieutenant of the honorary Palatine Guard. The Grand Cross of the Order of Saint Sylvester: August 26, 1919. To Mr. Giacomo de Ojeda y Brooke, formerly Counselor of the Spanish Embassy at the Holy See. The Knighthood of the Order of Saint Sylvester: August 29, 30, 31, 1919. To Mr. Filippo de Simoni, of Rome. To Mr. Romolo Rapella, of Rome. To Mr. Carmelo Morsani, of Rome.

SUPREME ORDER OF HOLINESS. By letters from His Eminence, the Monsignor Major Domo, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: July 26, 1919. Monsignor Alessandro Carlo de Mahieu, of the diocese of Malines. August 7: Monsignor Sisinio Peretto, of the diocese of Adria. September 5: Monsignor Carlo Wimmer, of the diocese of Veszprimia. September 5: Monsignor Felice Costa, of the diocese of Biella. September 10: Monsignor Luigi Scipioni, of the archdiocese of Urbino. September 10: Monsignor Giacomo Ghio, of the same archdiocese. September 15: Monsignor Andrea Alasia, of the diocese of Ivrea. September 20: Monsignor Federico Fioretti, of the Abbey Nullius of Saint Paul Outside the Walls.

Honorary Chamberlain in purple of His Holiness: September 20, 1919. Monsignor Cleofo Hoffmann, of the archdiocese of Prague.

Secret, Honorary Chaplains of His Holiness: August 25, 1919. Monsignor Giovanni Caricati, of Rome. September 5: Monsignor Paolo Weber, of the diocese of Veszprimia.

[*Latin ed. p. 408*]

Acts of the Apostolic See - Official Commentary 408. Necrology, August 22, 1919. Monsignor Giovanni Maria Dunne, Bishop of Bathurst in



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Australia. September 4th. Monsignor Giuseppe Maria Salvador y Barrera, Archbishop of Valencia. September 7th. Monsignor Adolfo Fritzen, titular Archbishop of Mocesso. September 17th. Monsignor Giuseppe Gregorio Romero, Bishop of Salta.

[*Latin ed. p. 409*]

Year XI - Vol. XI, November 3, 1919. No. 12. ACTA APOSOLICAE SEDIS, Official Commentary. DECREE OF POPE BENEDICT XV. APOSTOLIC LETTER TO THE CHURCH OF THE BLESSED VIRGIN MARY OF SNOWS, IN THE TOWN OF CUGLIERI, DIOCESE OF BOSANA, ELEVATED TO THE TITLE AND PRIVILEGES OF A MINOR BASILICA. BENEDICT PP. XV. For the perpetual memory of the matter. Following in the footsteps of Our predecessors, the Roman Pontiffs, We are accustomed to adorn sacred buildings throughout the Catholic world, which excel in antiquity, artistic monuments, and the ancient religion of the people, with special titles and privileges of honor. Among such buildings, the church, which was constructed at the beginning of the 14th century in the town of Cuglieri, in the Diocese of Bosana, and dedicated to God the Most High in honor of the Blessed Virgin Mary of Snows, deserves to be mentioned. This magnificent building, with its classical features, to which, in more recent times, have been added a new facade pleasing to the eye, and, rising above the spacious entrance of the sacred building, a bronze and externally gilded image of the Blessed Virgin, blessing the town, the surrounding region, and the sea. This sanctuary, enriched by the devoted efforts of the clergy and the people, has, from ancient times, attracted a constant stream of pilgrims, almost daily, from various regions of Sardinia, citizens of all ranks, who piously venerate the Blessed Virgin of Snows before her marble image, adorned with gold and precious stones. The same Church was, by Our predecessor, Pope Pius VII, in the year 1767, raised to the rank of a Collegiate Church, the stability of which, as was necessary according to the laws subsequently enacted, ACTA, Vol. X, No. 12.

[*Latin ed. p. 410*]

410. The Acts of the Apostolic See – An Official Commentary on ecclesiastical goods to be made public, is wisely and prudently consulted. When, on the fourth day of December in the year 1892, the Order of Canons of the Basilica of the Vatican, having witnessed miracles, decreed that a golden diadem be made for the image of the Virgin of the Snows, the sacred rite was performed with such solemnity on the fifth day of August in the year 1903, that the memory of this joyful event still endures. From that day forward, popular piety burned more intensely; and, if there is any place where the fortunes of the Catholic name are remembered, it is in the Sanctuary of the Blessed Virgin of the Snows, as is evident from the occasion of the fiftieth anniversary of the defined Immaculate Conception of the Virgin,



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in the sixteenth century, when, with archbishops and bishops present, a vast multitude of islanders, having come from every corner of Sardinia, made pilgrimage there. The celebrations, which had been postponed from the previous year due to the war, and which were to have been held to commemorate the fiftieth anniversary of the restored golden image, were finally held on the fourth, fifth, and sixth days of August; and, alternately, the sacred rites were performed by the Bishop of the ecclesiastical province of Turritana, and finally, on the feast day itself, by the Archbishop and Metropolitan of Turritana, attended by all those who had gathered at the sacred edifice, and by the prelates. In order that the memory of this solemnity might endure forever, the venerable brothers Cletus, Archbishop of Turritana, and Angelicus, Bishop of Bosana, through our prayers, implored that, for the greater glory of God and of the Blessed Virgin, for the increase of Christian piety, and for the enhancement of the ancient diocese of Bosana and of the entire ecclesiastical province of Turritana, the Sanctuary of the Blessed Virgin Mary of the Snows, located in the town of Guglieri, be raised to the dignity of a Minor Basilica. We, to whom nothing has happened that is older than that the piety of the faithful towards the Holy Mother of God may burn more intensely and may daily bear more abundant fruit, having readily and willingly approved of such requests, and having also heard the Most Reverend and Most Reverend Lords, Cardinals, Prefects of the Sacred Congregation of Rites, by our apostolic authority, in the presence of you, and forever, we honor the Collegiate Church, or Sanctuary, of the Blessed Virgin Mary of the Snows, located in the town of Guglieri, within the territory of the diocese of Bosana, with the title and dignity of a Minor Basilica, and we grant to it all and each of the rights, privileges, honors, and indulgences that are properly due to the Minor Basilicas of this Holy City. We decree that these Our Letters shall always remain firm, valid, and efficacious, and shall have and obtain their full and complete effect; and that those to whom they pertain, or who may pertain to them in the future, shall fully enjoy them; and that it shall be rightly judged and defined, and that it shall be null and void.

[*Latin ed. p. 411*]

The acts of Pope Benedict XV, should anything contrary to these matters be attempted by anyone, with or without knowledge, notwithstanding any contrary provisions. Given in Rome, near the blessed Peter, under the seal of the Fisherman, on the ninth day of the month of September, in the year 1919, the sixth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

LETTERS I TO R. P. F. MICHAEL, Archbishop of Munich and Freising, JOHN JAMES, Archbishop of Bamberg, and OTHER BISHOPS OF BAVARIA, TO WHOM THIS COMMON LETTER IS WRITTEN, ISSUED FROM THE MEETING IN FRISINGEN.



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Venerable brothers, greetings and the apostolic blessing.

Indeed, we have read with pleasure the letters which, gathered together in Freising as is your custom, you addressed to Us in common on the anniversary of Our election to this Chair of Peter. For in them we have once again observed and recognized the same most excellent constancy of your love and obedience to the Vicar of Christ, which we receive with a grateful heart, and which we repay with paternal charity.

In particular, in those same letters, We note with approval your desire that the Apostolic Legation, which has already been happily established among you for some time, be maintained, and that you may be assured that We Ourselves greatly desire that this bond of connection between the Apostolic See and Catholic Bavaria may endure.

Regarding the institution for children, Our Nuncio in Munich had already informed Us of the efforts you are making to defend the rights of the Church; nevertheless, we are very pleased to learn from you what has been accomplished in this important matter, and the commemorative volume that you have produced is highly pleasing.

Therefore, we strongly approve of the associations which the fathers of families have founded to preserve, as much as possible, a religious education for their children, which is the foundation of moral integrity and civil order, and we desire that they may flourish.

Furthermore, we praise your intention to hold more frequent religious services for the people, which, by recalling minds to the precepts of Christian wisdom and raising spirits to trust in divine providence, are wonderfully effective in healing wounds and calming disturbances.

[*Latin ed. p. 412*]

The Acts of the Apostolic See – these documents can provide information concerning the long-standing war. Indeed, the Apostle of Germany, Saint Boniface, who labored so diligently for the salvation of Bavaria, is present with you, so that you may accomplish these plans, which are undertaken for the benefit of your beloved nation; and there is no doubt that the Mother of God, the Patroness of Bavaria, looks favorably upon Christian families, so that they may enjoy the gifts of all heavenly graces, and be enriched with the blessings of peace and tranquility. As a witness to our favor and benevolence, we impart, with great affection, the apostolic blessing to you, venerable brothers, and to your entire clergy and people. Given in Rome, at Saint Peter's, on the twentieth day of the month of June, in the year nineteen hundred and nineteen, in the sixth year of Our Pontificate. BENEDICT XV. To LEON, ADOLF, S. H. E., Cardinal Amette, Archbishop of the PARISIENSEM Archdiocese, concerning the solemn consecration of the Basilica of the Most Holy Heart of Jesus at Montmartre. Beloved son, greetings and the apostolic blessing. The singular love with which the Apostolic



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See has always cherished Gallia leads us to believe that, as the solemn consecration of the Basilica dedicated to the Most Sacred Heart of Jesus on Montmartre approaches, we consider this occasion as a domestic one, and we have sent Our own legate to be present there, who will convey to that sacred person Our sentiments. Therefore, Our beloved son, Cardinal Antonius Vico, has arrived among you with this mission, and he will express to you Our feelings and desires concerning this auspicious event. Indeed, as the Apostle teaches, We have learned that the Incarnation of the Word of God took place when the fullness of time had come for the redemption of the world; thus, We are convinced that the time has also come for the Most Sacred Heart of Jesus to be considered with particular devotion by the world, since it appears that the charity of many is cooling, and cannot be rekindled without the fire of divine love. Thus, the Lord has shown that He will be with us always, until the consummation of the age, always burning with the same love with which He became incarnate, suffered, and died for us. But let us also acknowledge the counsel of divine providence: for this edifice, erected on Montmartre, having been conceived many years ago through a public vow, serves as a reminder...

[*Latin ed. p. 413*]

The document from Pope Benedict XV, page 413, testifies to the gratitude of France towards the Sacred Heart, and its dedication was delayed until this time, when your nation fulfills the most sacred duty of demonstrating, with illustrious significance, the gratitude owed to God, having emerged from a war that surpassed all memory in its severity. Therefore, while adoring the Divine Heart in this votive temple, you venerate the source of all good, who, having loved and loving the entire human race so greatly, has adorned your nation with singular benefits. But love is repaid with love: and nothing is more strongly instilled in the New Testament and in the Old, than that it is the precept of all places and times, by which the entire Law is contained. Jesus said: "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind." This is the greatest and first commandment. The second is like unto it: "You shall love your neighbor as yourself" (Matthew, 22:37-39). Therefore, the most sacred Heart, while demonstrating in a tangible way the immense charity of Jesus towards his children, often ungrateful, also reminds us of this greatest duty, by which we must love God above all, and our neighbor as ourselves. Truly, the love of our neighbors, the more profound it is, extends to all men, even to our enemies, since we are all united by a fraternal bond, as children of the same God and redeemed by the same Jesus Christ. "You have heard that it hath been said, Thou shalt love thy neighbour, and hate thy enemy." But I say to you: "Love your enemies, do good to those who hate you, and pray for those who persecute you, that you may be the sons of your Father who is in heaven" (Matthew, 5:43-45). This was decreed by our Master and Lord,



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and it was handed down by the Apostles, especially by John, the herald of love, and it is evident that anyone who has lived according to the wisdom of the Gospel has put it into practice. Indeed, we know that this precept of our Lord Jesus Christ does not please the world, so that those who affirm and defend its sanctity have their intentions perversely interpreted and are subjected to all insults. This is what happened with Jesus Christ, and it happens in the same way with the Vicar of Jesus Christ: and it will never be otherwise, if anyone preaches the forgetting of injuries and love towards those who have harmed us and have attacked our homeland. But the offense of the wicked should not deter anyone from observing and instilling this most serious precept of the Gospel, in which the tranquility of human society and the stability of the states are most firmly grounded. Therefore, it follows that, if we wish to honor the Divine Heart of Jesus with a most pleasing worship, we must awaken love in the hearts of men, both towards God, and towards men, even if they are enemies or foes.

[*Latin ed. p. 414*]

414. The Acts of the Apostolic See exist. Let all remember that the forgiveness of sins, offered to us by the Lord, is granted only on the condition that we forgive those who have sinned against us. It is the principal duty of the clergy to strive for this, both in word and deed; indeed, unless men and women are reconciled with each other in spirit and in society, the healing of the wounds inflicted by war, and the very stability of peace, can scarcely be hoped for. May the Divine Mercy, celebrating its works, be with you, Jesus Christ our Lord: and may your people, blessed Margaret, to whom He has singularly revealed the riches of His Heart, implore from this most noble seat, which you have established in honor of His love, not only France, but the entire human race, so that what was recently begun by human prudence in the assembly at Versailles, may be perfected and completed by Divine Charity on the Mount of Martyrs. May the blessings of heavenly goods, which we wish for your most beloved nation, and as a witness of Our paternal benevolence, we impart to you, our dear son, and to all of France, our most loving apostolic blessing. Given in Rome, near the blessed Peter, on the seventh day of the month of October, in the solemnity of the Most Holy Rosary of the Blessed Virgin Mary, in the year 1919, in the sixth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 415*]

Sacred Congregation of the Consistory, 415. ACTS OF THE HOLY CONGREGATIONS. SACRED CONGREGATION OF THE CONSISTORY, I. PROVISIONS CONCERNING CHURCHES. By the decrees of the Sacred Consistory, the Most Holy Pope Benedict XV has provided for the following churches, namely: August 1, 1919. — To the cathedral church of Verae Crucis, he appointed the Reverend Raphael Guizar Valencia, a



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priest of the diocese of Zamora. — To the cathedral church of Tepicensi, he appointed the Reverend Emmanuel Azpeitia Palo mar, a canon of the metropolitan church of Guadalajara. September 25. — To the cathedral church of Catacensi, he appointed the Reverend Father John Fiorentini, formerly the Bishop of Tricarico. II. APPOINTMENTS. By the decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Benedict XV appointed: September 16, 1919. — The Reverend Father Charles Gregory M. Grasso, Archbishop of Salernitanum, as Apostolic Administrator of the diocese of Nuscanae. September 30. — The Reverend Father Charles Ruch, Bishop of Argentoratensem, as Apostolic Administrator of the dioceses of Nanceyensis and Tullensis. III. APPOINTMENT OF AN ORDINARY FOR APPEALS, ACCORDING TO CANON 1594, § 2. According to canon 1594, § 2 of the Code of Canon Law, for appeals: The Most Reverend Archbishop of Montisregalensis has designated the Ordinary of Sancti Hyacinthi. This designation has been deemed worthy of approval by the Most Holy Pope Benedict XV. At Rome, from the offices of the Sacred Congregation of the Consistory, on this 24th day of October, 1919.

[*Latin ed. p. 416*]

Acts of the Apostolic See - Official Commentary 416

## SACRED CONGREGATION FOR THE BISHOPS.

## CONCERNING DONATIONS AND VOWS.

On July 12, 1919, the following matter came before this Sacred Congregation:

By letters reverently addressed to this Sacred Congregation, Bishop N. reported that, in order to enlarge a certain church within his diocese, and with the advice of the diocesan council of administration, in accordance with § 2 of canon 1532, he had permitted the alienation of certain votive offerings, which depicted a sacred image venerated with particular devotion by the faithful in that church, up to the sum of one thousand pounds, for the aforementioned purpose.

Now, however, since the aforementioned sum, although joined with other notable offerings from the faithful, was still less than the approximately six thousand pounds already spent, and since, for various reasons which he explained individually, it had become inopportune to consult the administrative council and the cathedral chapter, the praised Bishop humbly implored the Apostolic See to grant him permission, so that he might be able to alienate other votive offerings made of gold, silver, and gems, as well as the sacred image itself, and to use the money obtained from this to cover the aforementioned expenses.



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Considering the urgent necessity in this case, the Sacred Congregation, with the authority of Our Holy Lord, graciously granted the requested permission to the Bishop, along with a confirmation of the previous alienation and disbursement, and with the following condition: "provided that a sufficient number of votive offerings remain for the adornment of the sacred image, and that appropriate precautions be taken so that no scandal or astonishment arises among the people."

Regarding this decree, the same Bishop, gratefully acknowledging the Sacred Congregation, nevertheless noted that the added confirmation of the previous alienation and disbursement had been entirely unexpected. In order that he might not err in the future regarding these matters, he humbly requested that the Fathers, if they so wished, clarify the following questions:

I. Are votive offerings to be considered, in order of alienation, among the precious objects mentioned in canon 1532, § 1, n. 1?

II. What value can be attributed to the alienation of precious objects by the Ordinary of the place, so that it is prohibited?

REMARKS:

Regarding the first question, it is certain that, in canon 1532, § 1, n. 1, the granting of permission to alienate objects is reserved to the Apostolic See.

[*Latin ed. p. 417*]

Sacred Congregation of the Council, 417, precious. However, this term does not seem to be so broadly accepted as to include anything made of precious metal; rather, it must be understood according to canon 1497, § %, where it is explicitly stated: "They are called precious (goods) which have a notable value, either by reason of art or history, or by reason of the material." Therefore, the alienation of precious goods appears to be prohibited to Ordinaries, insofar as these goods also possess a notable value, as mentioned in the second doubt, which constitutes the essence of the entire matter. To resolve this, it must be noted that there is considerable disagreement among doctors regarding the determination of a notable value, to the extent that while some do not consider a notable value to be present in even precious goods that do not reach thirty thousand livres, others, on the contrary, consider that anything of some value possesses a notable value when it comes to goods that are precious, either by reason of art or history, or by reason of the material. Both of these extreme opinions seem to be unacceptable: the former is excluded by canon 1532 itself, which makes a distinct enumeration of precious goods from those that exceed the value of thirty thousand livres; furthermore, even before the Code, classical authors, e.g., Pirhing, in book III, title XIII, n. %, denied that, without the approval of the Holy See, "golden and silver vessels, gems, and precious garments which can be preserved, and movables, such as flocks, from which lasting



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utility and fruit can be obtained" could be alienated. Cf. Reiffenstuel, ibid. n. 12 and 16. The latter opinion, which also tends to excess in the opposite direction, is also excluded by the Code, canon 1497, § %, which states that a good is considered precious only if, in addition to being precious, it also possesses a notable value; and likewise, even before the Code, this notable value was required in order that the license for alienation be reserved to the Holy See; and it is certainly not to be presumed that the legislator, while tempering the previous law so much that only goods exceeding the value of thirty thousand livres required the approval of the Apostolic See, also intended to increase the previous strictness for movables that are merely precious. With these extreme opinions excluded, there remains only the need to more precisely determine the notable value that, together with the preciousness of the thing, makes it inalienable. Furthermore, Reiffenstuel, op. cit., n. 14, after quoting Pirhing, warned: "However, it does not seem to be prohibited by this title that the Ordinary may alienate some less useful silver vessels without other formalities of law"; and more clearly, Cardinal D'Annibale (Summula, vol. 3, n. 77, note 6): "We understand precious movables to be golden or silver vessels, gems, etc., and those which are either outstanding in antiquity or in craftsmanship, provided they are worth at least 25 gold coins of the Camera (lib. 235)." This learned man thus refers to the authentic estimation of the Roman Curia in the 17th century.

[*Latin ed. p. 418*]

418 Acta Apostolicae Sedis - The official commentary notes that approved authors of our time point out that the value of money can change, and Wernz estimated it to be half or even a third of its former value (Ius decretalium, vol. 3, no. 160, note 140). Therefore, this value can safely be defined today as 750 pounds in the Curia. Moreover, there are those who deny that the value is less than 1000 pounds; indeed, canon 1532, § 2, when distinguishing between things that reach 1000 pounds and those that exceed 1000 pounds, seems to accept this estimation, which is also commendable for its simplicity.

Given these premises, it would also follow that valuable objects that do not exceed the value of 1000 pounds can be alienated by Ordinaries, provided that the formalities prescribed in canons 1530-1532 are observed, and in particular, for our case, the clause in canon 1531, § 3: "Money received from an alienation shall be prudently, safely, and usefully invested for the benefit of the Church"; that is, the money received from the sale is not immediately available for use, even for pious and necessary purposes, but must be preserved for its fruit; therefore, in order for it to be disbursed or spent, even for the enlargement of a church, as was the case here, the permission or dispensation of the Apostolic See is always necessary, due to the obligation that the law clearly and explicitly imposes in the aforementioned canon, without any exception granted.



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However, even after these points have been clarified, as they are clarified by Bishop N., it does not yet seem sufficient to resolve the question raised regarding the alienation of votive offerings. Indeed, although it may seem permissible to alienate votive offerings, as long as their value does not exceed the estimated value of 1000 pounds, it is not yet certain whether their alienation is permitted to Bishops, or whether it must be reserved to the good pleasure of the Apostolic See. Thus, in canon 1281, § 1, no distinction is made between valuable and non-valuable objects, and the alienation of relics or images that are venerated with great devotion by the people in a church is completely excluded, even if their estimated value is not significant in the sense explained below. Therefore, in addition to the reason of value, the reason of cult, devotion, or piety can also prevent the valid alienation of such offerings; in other words, as is often said today, not only the estimated value, but also the sentiment attached to them must be considered. And indeed, in the case of votive offerings, such or similar considerations are easily suggested. For just as a votive offering is undoubtedly an act of religion, which can be likened to a sacrifice, so, by the intention of the giver, the offering is inextricably linked to the sacred image to which it is given, and is, as it were, placed outside all human commerce. Therefore, it is in the interest of the common good, or the integrity and progress of the sacred cult, that these offerings be preserved in that state and for those purposes.

[*Latin ed. p. 419*]

The Holy Congregation of the Council, in its deliberations, has established certain terms regarding the will of the donor, so that it may not be too much to say that the Church and its pastors hold these gifts not so much in ownership, but rather in custody, and therefore, they cannot in any way dispose of them for another purpose. In other words, and more plainly: the conditions imposed by the donor upon the donation must certainly be observed; but, by the very nature of the matter and the transaction, it must always be presumed that the donation was made with the condition that the thing is inalienable. Therefore, if it is always necessary, when alienating ecclesiastical property (to which, moreover, the donors themselves are not easily inclined), to obtain "the consent of those who have an interest" (cf. can. 1532, § 2, 3), it seems all the more necessary in the alienation of donations to secure this consent, since this consent cannot easily be presumed in the case of alienation, indeed, in some sense, it becomes impossible, either on the part of the donor, who has completely divested himself of ownership of the donated thing, and that not for the benefit of a human person, but rather in obedience to the blessed or divine person to whom the thing was consecrated, through a religious vow. As the "alteration of the ultimate will," which must be carried out only for a just and necessary cause, "is reserved to the Apostolic See" (can. 1517, § 1), because it is the duty of



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the Apostolic See alone to interpret or supplement the consent of those who have an interest, so too the interpretation, or rather, the alteration, of the will concerning objects given by vow is reserved to the Apostolic See alone, to whom the obligation is bound both in heaven and on earth. To these reasons, a positive argument is added, which is derived from the style and perpetual observance of the Holy Congregation, which has always reserved to itself, and indeed under the most solemn conditions, the granting of permission to carry out such alienations, and has, in fact, never granted this permission as a matter of course, but always as an indulgence in each particular case, for a very well-known necessity. And it cannot be presumed that the promulgation of this Code intended to tacitly abolish such observance, for reasons of public good clearly evident.

RESOLUTION. - Furthermore, in the plenary assemblies held in the Apostolic Palace at the Vatican on July 12, 1919, the Most Reverend Fathers of the Holy Congregation, in response to the petition of Bishop N. mentioned above, reformulated the doubts in the following formula: Can votive donations be alienated without the approval of the Apostolic See? They decided to answer: Negatively. This resolution was approved and confirmed by His Holiness Pope Benedict, Divine Providence, XV, in an audience on the following day, with the presentation of the undersigned Secretary of the Holy Congregation.

I. MORI, Secretary.

[*Latin ed. p. 420*]

Acts of the Apostolic See - Official Commentary 420

## SACRED CONGREGATION FOR RELIGIOUS ORDERS

### A QUESTION REGARDING THE PROFESSION OF LAY RELIGIOUS IN REGULAR ORDERS.

The following question was presented to this Sacred Congregation for Religious Orders: ”Whether ’lay religious or converts in Regular Orders, who have already taken simple vows before May 19, 1918, according to the norms of the Holy Decree of the Sacred Council of the Divine Church of January 1, 1911, must take solemn vows according to the prescriptions of said Decree, namely after the completion of a six-year period of simple vows and having reached the age of thirty, or rather, according to the norms of Canon 573 and 574 of the Code of Canon Law, that is, after the completion of a three-year period of simple vows and having reached the age of twenty-one.’”

The Sacred Congregation, after mature deliberation, judged that the following response should be given: ”No, to the first part; yes, to the second



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part."

And the Most Holy Pope Benedict XV, in an audience on October 6, 1919, graciously granted permission to the undersigned Secretary to approve the aforementioned response, notwithstanding anything to the contrary.

Given in Rome, on October 6, 1919.

L.&S. Maurus M. Serafini, Abbot, O.S.B., Secretary.

## SACRED CONGREGATION FOR RITES OF THE CITY AND THE WHOLE WORLD

### CONCERNING THE MASS FOR THE DEAD.

Since the second day of November of the coming year will fall on a Sunday, and therefore, according to liturgical laws, the Commemoration of All Faithful Departed will be celebrated on the following day, the third of November, the Most Holy Pope Benedict XV, for the good of the faithful...

[*Latin ed. p. 421*]

To the perpetual honor of the Holy Congregation, ever mindful of the souls detained in Purgatory, especially those who, in this present time, have been lost in the most grievous war, and for the sake of its own charity towards these souls, it has deigned to grant to all ecclesiastical superiors and local ordinaries of the Catholic Church the faculty of permitting, this year only, the celebration of one Mass for the Dead, with singing or reading, on the 2nd of November, the Sunday after the 21st Sunday after Pentecost. Therefore, in each cathedral, collegiate church, or parish church, and especially in those churches or public chapels which are particularly dedicated to assisting the souls suffering in the fire of Purgatory, or where sodalities or pious unions have been canonically established for the same purpose, the Most Reverend local ordinaries shall permit the solemn or sung Mass for the Dead to be celebrated on the aforementioned Sunday, the 2nd of November.

II. Furthermore, to the chapters, parish priests, and rectors of churches, or of any public chapel, mentioned in No. I, the same Most Reverend ordinaries shall permit the celebration of one sung or read Mass for the Dead, only once, on one of the lesser Sundays of the month of October (namely, on the 12th, 19th, or 26th) or of the following month of November (namely, on the 16th or 23rd), without being hindered by the feast of a double rite of the first or second class.

III. Finally, on the 2nd of November, or on one of the aforementioned lesser Sundays, a funeral may be permitted to be held, where it pleases, with a sung or read Mass for the Dead; but any sermon or funeral oration is forbidden at such a funeral. All rubrics and other matters concerning



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the observance of custom are to be observed. This unusual indulgence of Masses for the Dead on Sundays, beyond the liturgical laws, has hitherto been granted by the Apostolic See, in view of the lamentable conditions of the war; but Our Most Holy Lord has ordered that, with the approach of the sacred Advent, it shall be entirely discontinued.

Given in audience with Our Most Holy Lord, on the 6th of October, 1919.

[Signed] A. CARD. Vico, Bishop of Portuense and St. Rufina, Prefect of the Holy See.

L. B S. Alexander Verde, Secretary.

[*Latin ed. p. 422*]

42. Acta Apostolicae Sedis - Official Commentary. ACTS OF THE SACRED ROMAN ROTA, I PARISIAN TRIBUNAL. NULLITY OF MARRIAGE (CHAZAL-MOULIN). Under the blessed reign of Pope Benedict XV, in the fifth year of his pontificate, on the 10th of December, 1918, the Most Reverend Fathers, Doctors, John Prior, Ponens, Maximus Massimi, and Julius Grazioli, Auditors from Tournon, in the Parisian case concerning the nullity of the marriage between Bertha Chazal, represented by her legitimate procurator, Mr. B. D. Nazaren Patrizi, advocate, and Mr. Luke Moulin, having heard the intervention and arguments of the Reverend Substitute Defender of the Bond, delivered the following final judgment in the third instance. Lady Alina Ghazal, who, during the winter months, was accustomed to move from her home in the town of Murat to the more pleasant city, arrived in Paris in the year 1901, together with her daughter Bertha and her sister, Mrs. Lespinasse. She resided for a short time with her niece, Mrs. Jouvente, and then rented a house on the street called V Abbé Grégoire, which she entered in the middle of January. At a certain gathering among friends of the Ghazal family, namely, Miss Honnorat, at the beginning of March, Bertha Chazal met Mr. Luke Moulin; and towards the end of the same month, he promised marriage to her. The date of the wedding was to be postponed until the end of April or the beginning of May, either due to difficulties arising from the manner of establishing the dowry, or in order that the opportunity to witness the marriage might be afforded to the bride's brother, who was engaged in military service in June; finally, the marriage was celebrated on July 3rd of the year 1902, in the church of Notre Dame de Campis, before the priest, Mr. J. A. Le Roy, who had been delegated for this purpose by the parish priest or first vicar of the same church. The marriage was unhappy. There were many quarrels and disagreements between the spouses, and after four years of marriage, the woman left the man and obtained a civil divorce. Subsequently, she petitioned the Parisian Tribunal to declare her marriage null, but on November 26th of the year 1910, she received an unfavorable judgment. After an appeal was lodged with the Most Holy



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Auditorium, the Royal Judges, after conducting a supplementary process...

[*Latin ed. p. 423*]

The judgment of the Court of Appeal, dated March 17, 1914, declared the marriage null. However, the Defender of the Bond, acting ex officio, has appealed, and the case is now before us for final determination, under the following question: Should the judgment of March 17, 1914, be upheld or overturned in this case?

According to the decree of the Council of Trent, which was in force at the time the marriage was contracted in France, a marriage was not valid unless it was celebrated before the proper pastor or ordinary of either of the spouses, or before a priest authorized by the pastor or ordinary. The proper pastor was understood, according to canon law, to be the one in whose parish either of the contracting parties had their domicile or quasi-domicile. Domicile consists of two elements: actual residence in the parish and the intention of remaining there permanently, unless some other circumstance compels a change. Quasi-domicile also consists of actual residence in the parish and the intention of remaining there for the greater part of the year (Instruction of the Holy Office of June 7, 1867, to the Bishops of England and the United States of America).

In the present case, it is undisputed that the priest, Mr. J. A. Le Roy, who celebrated the marriage, was only delegated by the pastor or first vicar of the parish of Our Lady of the Fields in Kampen, where the bride actually resided, while the groom had his domicile in another parish of Paris, namely Saint Ferdinand, commonly known as des Termes. It is also clear that neither the actress nor her mother, with whom she lived, had their domicile in the parish of Our Lady of the Fields, nor did they reside there with the intention of remaining there permanently; for the mother still maintained her domicile in the town of Murat, where she had left a house furnished with all her usual belongings under the care of a servant. And although it is not possible to have two domiciles, all the circumstances in this case show that the house on the street called de l'Abbé Grégoire in the city of Paris, belonging to the Chazal family, was only occupied temporarily and precariously. The lease was for only six months; the furnishings were meager: "We were very poorly 'installed' in Paris; we did not even have the bare necessities," and, indeed, most of the furnishings were borrowed for a short time, as several witnesses attest.

Therefore, the question remains whether the actress acquired a quasi-domicile there, that is, whether, in conjunction with her actual residence in that house, she had the intention of remaining there for the greater part of the year. If Bertha Chazal resided for six full months in the parish of Saint

[*Latin ed. p. 424*]

4M. From the Apostolic See – Official Commentary. It was truly neces-



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sary to investigate whether she had genuinely intended to remain in Kampen, since the very fact of this particular sojourn, according to the norm of the decree of the Sacred Congregation for the Inquisition of November 9, 1898, which establishes a special law for the diocese of Paris, creates a presumption of acquired quasi-domicile, which has legal effect and which does not admit of contradictory proof. However, the records show that she actually resided there for less than six months: she entered a house on the street called l'Abbé Grégoire with her mother in the middle of January, and she definitively left that same house on the day of her wedding, July 3, 1902. Indeed, a presumption of intention to remain for the greater part of the year arises from a monthly sojourn, according to the letter of Benedict XIV, *Paucis abhinc*, although this does not exclude contradictory proofs, as noted in the Instruction of the Holy Office of June 7, 1867: "If this presumption of the law, which 'arises from monthly residence,' is contradicted by proofs, by which 'it is certainly and clearly established that the aforementioned intention did not exist in any way,' then 'it is certainly clear that the contrary judgment must be given, because 'the presumption must yield to the truth.'" In our case, the contradictory proof is primarily derived from the custom of the actress's mother, established over many years, of spending three or four months with her daughter, now here and now there, and then always returning to the town of Murat. Thus, witnesses testify that in previous years, the family spent the winter first in the town of Glerniont, then in Tarbes, and finally in Lutetia Parisiorum in the years 1900-1901. Given this family custom, it must be said that the mother and daughter went to Paris in 1901-1902 with no other intention than that which the particular circumstances of this sojourn suggest. The Defender of the Bond indicates two such circumstances in particular, which he considers to be clear signs of the intention of Berthae's mother to remain in the parish of Our Lady at Kampen for the greater part of the year. The first is the contract for the rented house, stipulated for six months, while the previous year, Mrs. Chazal had rented a house for a shorter period. However, the longer period of the second contract must be attributed not to the will of the lessee, but to the custom by which rental contracts in the city of Paris are governed. As noted by the distinguished Consultant of that Court, "it is customary in Paris to rent a house without furnishings for at least three months, with the obligation to renew the contract for the following three months, unless the end of the lease has been notified three months before the beginning of this period, or on the first day of the preceding quarter!" The aforementioned Consultant writes: "Indeed, given the Parisian custom of renting for a term, any tenant who moves in is engaged for at least six..."

[*Latin ed. p. 425*]

425 6'. In Rome, the rental agreement stipulates: "Except in the almost improbable case where the tenant has given notice at the very moment



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the lease begins, the tenant cannot give notice except at the beginning of the second quarter, to take effect at the beginning of the third. Therefore, the tenant's stay will be for at least two quarters." Consequently, he who wishes to reside in a rented house for only approximately four months, is obligated by a six-month lease agreement. An alternative would be to rent a furnished house, which is commonly rented month by month in Paris. The previous year, Madame Berthae had rented a house of this type; but the following year, either because she did not find a furnished house in a suitable location and at a reasonable price, or because she was striving to economize, since the rent for an unfurnished house was three times less, she preferred to rent the unfurnished house, which she could then furnish with necessary items kindly lent by friends. Therefore, the six-month period stipulated in the lease agreement, considering the circumstances, is not a clear indication of the intention of the person renting the house to remain there until the end of the contract. For if Madame Alina Chazal, after approximately four months, as was her custom, had wished to return home, she could have sublet the rented house to another person for the remainder of the contract period, or she could have simply renounced her right to a longer stay, without frustrating the purpose she had set for herself in renting the house, namely, to economize on expenses. Thus explains the witness, whose explanation is confirmed by other witnesses: "When we rented the apartment, we did not inform either the concierge or the owner of the duration of our stay. They would not have rented it to us for three months. But we intended not to stay longer than Easter... The apartment we rented cost one thousand francs per year, or 250 francs per quarter. A furnished apartment would have cost us 250 francs per month. Assuming that we had to pay until July, we would have had a significant benefit. We were therefore, in effect, obligated for six months; but we had the possibility of subletting after April 15, and even if we paid until July 15, we would still have a great saving." Furthermore, the Substitute Defender argues that the primary purpose that Madame Alina Chazal and her daughter had in mind when residing in Paris in the year 1901-1902, was to arrange a marriage for the daughter, with friends and acquaintances in the city, which required a stay there for an indefinite period. However, this purpose, as the primary one, does not appear from the records, but rather as a concomitant or secondary one, just as in other stays of the Chazal family in different places, where no quasi-domicile was established.

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis - Commentarium Officiale established. The witness, the sister, testified: "My mother, when moving from Murât, intended to distract my sister, and secondarily, to marry her, if the opportunity presented itself. She had this thought when coming to Tarbes, she had it when coming to Paris, but she did not come to Paris solely for that



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purpose." And the witness, the mother, testified: "Mrs. Ghazal only intended to spend a few months outside of Murât, as was her custom, and also to distract Miss Berthe Ghazal, her daughter... Nevertheless, if during the stay in Paris, a favorable opportunity to establish Miss Berthe presented itself, Mrs. Ghazal was willing to take advantage of it." There was a greater hope of obtaining a happy outcome in this marital situation this year, since friends of the Chazal family in Paris had promised to help for this purpose. However, the friends did not have a specific man in mind, and they presented Mr. Moulin to Berthe Chazal only two or three months after she had arrived in Paris. Furthermore, it can be presumed that the friends of the Chazal family also provided assistance in other marriage proposals, which had failed, since it is customary for such help to be given as a sign of friendship between friends. Therefore, nothing extraordinary or unusual is taken into account regarding the actress's intention of seeking a husband while staying in Paris, from which it could be concluded that she wished to stay there longer than in the previous year. Certainly, no witness asserts that Berthe Chazal or her mother intended to remain in a house in Lutetia, Paris, until the marriage was contracted. Indeed, the witnesses declare that the mother of the actress, Berthe, conceived this plan only in March, when, it is clear, the hope of a marriage that was already concretely manifested, had begun to be realized, and that was precisely the purpose, so that, unbeknownst to Berthe's enemies, who were in the town of Murât, the marriage would take place. The sister testifies: "It was one of them, Mrs. Honnorat, who presented Mr. Moulin to my mother. As soon as this project was recognized as possible, I was the first to advise my mother to stay in Paris until its conclusion, so that the intervention of the slanderers would not yet come into play. The stay was therefore prolonged in a more provisional arrangement that had been improvised on rue de l'Abbé Grégoire." Similarly, the actress's mother and the mother-in-law, Dña Lespinasse, spoke. However, since the danger of the intervention of slanderers was less, the sooner the marriage would take place, Berthe's mother decided that they would remain in that place after the engagement, that is, at the beginning of May. The appointed day, however, had to be postponed somewhat due to a difficulty that arose regarding the manner of establishing the dowry, and then due to the absence of Berthe's brother, who, being hindered by military service, could not arrive in Paris before July.

[*Latin ed. p. 427*]

The Roman Rota has been able to examine the matter. However, despite these delays, only three months elapsed from the beginning of the betrothal to the day of the marriage, and four months from the day the future spouses first met. It is therefore clear that the intention of remaining in Paris until the marriage was contracted, and that the first stay at Barthe during the



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month of March, under the circumstances explained above, could not have signified a further intention of residing in that city for a significant portion of the year, or until the end of approximately the month of September. It is unnecessary to consider any other presumption regarding the acquisition of a quasi-domicile, given that some witnesses have stated that the actress intended to pursue studies in painting or music in Paris, as if the mere fact of being a student in a college would establish a quasi-domicile by reason of studies. The question was not about a regular course of studies to which the residence in the city would be subordinate, but rather about simply relaxing or avoiding idleness during the winter months. However, the conjecture of some witnesses is more accurately described as erroneous, since Bertha Chazal did not, as she herself asserts, and as no one contradicts, dedicate herself to the study of these arts before the marriage. The actress's mother says: "There was never any question of taking lessons, let alone attending courses." And the same is testified by Madame Lespinasse and other witnesses. Considering all of these matters, both in law and in fact, and having carefully pondered them, We, the undersigned Auditors of Tournon, sitting for the Tribunal and with only the eyes of God before us, invoking the name of Christ, do decree, declare, and definitively sentence, answering the proposed question with: Affirmative, to the first part; Negative, to the second part; that is, that the sentence of March 17, 1914, is to be upheld, in which it is declared that the marriage is null and void in this case; furthermore, We order that Bertha Chazal, the actress, be held responsible for the judicial expenses. Thus we pronounce, ordering the Ordinary of the place and the officials of the tribunals to whom it pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session 25, De ref., of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, in the Seat of the Tribunal of the Sacred Roman Rota, on December 15, 1918. L. © S. Ex. Cancellaria S. Romanae Rotae. Sac. T. Tani, Notary. Ioannes Prior, Presiding. Maximus Massimi. Iulius Grazioli.

[*Latin ed. p. 428*]

Acta Apostolicae Sedis - Official Commentary TARRACONAE. NULLITY OF MARRIAGE (VILADOT-DE MIGUEL). Under the blessed reign of Pope Benedict XV, in the fifth year of his pontificate, on the 15th of February, 1919, the Most Reverend Lords, William Sebastianelli, Dean, Ponens, Maximus Massimi, and Julius Grazioli, Auditors in the cause of Tarragona, concerning the nullity of marriage between Dolorosa De Miguel, represented by her legitimate procurator, the advocate Nazareno Ferrata, and the contumacious Peter Viladot, having intervened and disputed in the cause, and with the Reverend Substitute Defender of the Bond acting ex officio, pronounced the final judgment in the appeal. Peter Viladot,



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steeped in wicked morals, when Dolorosa De Miguel was about thirteen or fourteen years of age, threatened to take his own life if he could not enter into marriage with her. Aware of this situation, the mother of Dolorosa, believing that the proposed marriage would be beneficial to her daughter and the family, used persuasions and threats to ensure that Dolorosa, who detested Peter, would marry him. The marriage was celebrated in Tarragona on the 26th of September, 1883. However, as was to be foreseen, the marriage did not have a happy outcome; the conjugal life was frequently disturbed by disagreements, was often interrupted, and was finally and permanently dissolved in the year 1888; notwithstanding the fact that a son was born from the marriage, who died in infancy. The unfortunate woman, having learned that her marriage to Peter was null due to the impediment of fear, presented a supplication to the Supreme Pontiff, requesting that the marriage be declared null, even from the beginning, by the Most Holy Audience. After obtaining the papal dispensation and after a process conducted according to the law, on the 27th of July of the preceding year, a judgment favorable to the plaintiff was rendered. The bond's defender appealed against the judgment, as is his right, and today the case is again presented under the customary formula of inquiry: Whether the final judgment of the 27th of July, 1918, should be confirmed in this case? The law applicable. – A marriage is null if the contracting parties do not enjoy full freedom, that is, if they have not been free from coercion and fear. Fear, in order to invalidate a marriage, must possess certain qualities; it must, in fact, be grave, externally imposed, and unjust, so that it compels a person to act against his will.

[*Latin ed. p. 429*]

Canon 429 liberates a person to choose marriage (C. 1. G, canon 1087, § I). Grave fear is said to exist if a serious evil is present or imminent for the person who fears, and the person who is afraid believes that this evil truly threatens them (Gasparri, De matrim., n. 940). Fear, even reverential fear, by which we dread the displeasure of him under whose authority we are, can also be grave, which is verified when this fear is accompanied by importunate suggestions, insistent prayers, quarrels, vexations, etc., as has constantly been held by the Holy Tribunal. Fear is not presumed, but must be proven; it is proven by the testimony, under oath, of the person who experienced the fear, by a careful examination of the circumstances, and by witnesses. With regard to witnesses, it should be noted that: 1) those who would not otherwise be admitted should be admitted, such as servants, relatives, and parents; 2) two witnesses, without any exception, who testify to the fear, provide full proof, even if others testify to the freedom. For those who affirm a free will testify concerning matters known only to God alone; but those who testify to moral coercion, e.g., quarrels, vexations, threats, testify to a matter that can be rightly known through the senses.



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Thus, in Vesprimien., July 2, 1911, in Massilien., April 30, 1917, and in many other cases. Now, to the facts. The actress, in a document presented to the Supreme Pontiff, declares that she entered into marriage "solely through the violence exercised upon me by my parents," which she confirms in her testimony: "I was induced, and more than induced, 'obligated' to marry by my mother." Therefore, it must be determined whether this can also be deduced from the procedural records, from all the circumstances that preceded, were concurrent with, and followed the celebration of the marriage: "With regard to the woman, it is said that the fear is proven if witnesses testify to her tears and complaints, both those preceding and those accompanying the very act of the celebration, and to her subsequent sadness and pallor" (Consci, De separ. thori, lib. I, cap. 16, n. 34). Regarding the circumstances preceding the event, the records refer to the fact that the mother admonished the woman about the proposed marriage, and that the woman responded, not only that she was averse to the marriage, but also that she disliked Peter. "As soon as the aforementioned gentlemen left," the actress says, "my mother told me that they were coming to discuss my marriage with Don Pietro... I replied, absolutely refusing... and seeing that I continued to resist, telling her that I did not want to think about marrying, that no one had drawn my attention to it, and much less Mr. Viladot, who, in truth, caused me nausea..."

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis - Commentarium Officiale "then she resorted to violence." And the witness Carmela Fortuny states: "The Lady Dolores De Miguel was extremely averse to marriage with the 'gentleman' Viladot. I know this from information received from my sister, who frequented the house of the De Miguel family." However, Lady Iosepha Bosch states: "Lady Dolores only married through the insistence of her mother, since she had shown many signs of aversion to marriage with Don Pietro." The mother, however, was eager for the marriage to take place, because she believed that in this way she would best serve the good of the family, as Dolorosa herself testified: "My mother made reflections to me at that time about the convenience of accepting the marriage, because my father was ill with his sight, and therefore we would lack his support." This is confirmed by Carmela Fortuny and Maria Arbiel. C. Fortuny says: "I know that the mother had a great interest in the marriage taking place, and that this interest stemmed from the fact that her husband was almost blind, and the future of the family was becoming somewhat uncertain: such a marriage of the daughter would create a support that was necessary." Maria Arbiel, however, says: "The interest that the parents had... was because Mr. Viladot seemed to be a young man with great prospects in business, and that the parents of Lady Dolores were sickly and desired to see their daughter settled before their death." - But when Dolorosa resisted her mother's wishes,



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she did not attempt to persuade her daughter only with exhortations, but also with threats and violence. The actress confesses: "Such resistance angered my mother to the point of making her resort to violence, as a last resort. Several times she took me by the arm, shaking me roughly, and slapped me to overcome my resistance, especially on the day that I was to go to the parish for the examination of Christian doctrine." The same is testified by Anna M. Batalla, who says: "The same mother threatened her own daughter with words such as these: that she would drag her by the hair if she dared to present herself to the parish priest to be examined in Christian doctrine, an examination which is considered a requirement for contracting marriage." And Raymundus Cortis says: "Lady Dolores De Miguel contracted the marriage out of great fear of her parents, especially of her mother, who later manifested that she forced her by force to celebrate the marriage." It is not surprising that the mother of Dolorosa acted in this way; for her daughter describes her character as follows: "The character of my mother, besides being authoritarian, was so violent that once, out of jealousy for a servant, she threw her into a well, and this servant was saved only through the grace of the priest, who..."

[*Latin ed. p. 431*]

Saint Roman Bota writes, "without a son." Joseph Navarro, however, states: "The mother of Donna Dolores had a haughty, dominant, and irascible character to the extreme. She imposed herself on everyone in the house with her impetuous and violent character... To demonstrate the violent character of the mother of De Miguel, I can cite a case that occurred with the husband of my sister... In an act of rage, Donna Giuseppa Monserrat, that is, the mother of Donna Dolores, gave my brother-in-law a resounding slap, without considering that he was already a married man."

- Conversely, the daughter was timid and could not resist her imperious mother: "The actress's temperament was rather timid than independent," says Joseph Oriol Torres, and Joseph Navarro: "Donna Dolores was timid and docile, so that her mother kept her subjugated through the violence of her character."

This docility of Dolorosa seems to be contradicted by Peter Ferré, who states: "The actress was very young, and therefore cannot fully specify the temperament she had, although I do not consider her to be either timid or notably pliable, nor independent in character." However, this witness is hesitant and singular, and he reports what the mother of Dolorosa had told him, so that, as stated in the appeal, "his words should be considered with suspicion."

In these circumstances, the woman had no escape from avoiding marriage. She had no recourse to her father, who was completely subject to his wife's authority. Regarding this, the actress states: "My father was excessively good-natured, professing such blind affection for his wife that he



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not only did not contradict her, but he approved in advance everything that she established."

This is repeated by Joseph Navarro: "The father was a man of weak character, and he yielded in everything, so that his wife would not become angry." The same is stated by Carmela Fortuny and Raymond Arnau. She could not receive any help from the parish priest and godfather. For no one is compelled to do what they know to be useless. Furthermore, Dolorosa, who had so persistently resisted her mother in vain, was certain that she could not free herself from her mother's authority, either with the help of the parish priest or the godfather.

Moreover, the very person who sought to invalidate the marriage explicitly confesses the coercion in the proceedings, writing in his observations: "I freely admit that the process was sufficiently supported by the circumstances of law and fact that led the first-instance judges to declare the marriage null and void, noting, however, that the coercion in the forum was not considered to have an effect on the marriage, which extends to the act of celebrating the nuptials."

However, 1) Given the admitted aversion and coercion before the marriage; there is a strong presumption that the marriage was entered into under the influence of that same coercion.

[*Latin ed. p. 432*]

Acts of the Apostolic See - Official Commentary; 2) Attached are documents concerning the marriage of Gomitata, which demonstrate the coercion involved. The witness most frequently cited, Carmela Fortuny, testified regarding these matters: "My sister told me that Lady Dolores refused to 'try on the clothes that were being made for her...' I did not attend the wedding ceremony, but my sister, who was in the house that day, told me that she saw Lady Dolores exhibiting clear signs of distress." And Raymond Cortes testifies: "I attended the wedding ceremony, and Lady Dolores proceeded with it, although she was visibly distressed, and the bride manifested such sadness that she was weeping. Furthermore, I observed that during the wedding feast, which was held after the ceremony, the bride, instead of staying near her husband... employed every possible excuse to separate herself from him." No less significant are the statements made by Maria Arbiol: she states that "she was present at the wedding ceremony, and she observed a certain hesitation in the bride when giving her consent, but that she gave it, intimidated by the glances of her mother, who was present there. She observed throughout that day on the bride's face signs of weeping and sadness." Finally, Joseph Bosch states: "I attended the wedding, and I can testify that Lady Dolores appeared to everyone to be very distressed." From these accounts, it is clear how important it is to consider the testimony of Doctor Joseph Oriol, who "did not attend the wedding ceremony, but who, before or after the event, and during those



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days, was in the house and saw the actress, but did not observe anything unusual in her appearance." Besides the fact that this is negative testimony, it should be noted that, in order to prove fear, it is not necessary to demonstrate that the person who experienced it constantly showed themselves to be sad in all their actions. The events that followed the marriage, the woman's aversion, and her fear, confirm this. The witness, Joseph Navarro, testified: "I can affirm that, during the first period of cohabitation... Lady Dolores constantly revealed the hatred and repugnance that her husband caused her." And Carmela Fortuny: "I can say that from the beginning of the marriage, Lady Dolores expressed to my sister the aversion she felt for her husband." Finally, Joseph Bosch: "Lady Dolores could not adapt to continuing in a state that was completely odious to her." The records further indicate that, shortly after the marriage, the newlyweds, due to a venereal disease from which Peter suffered, were advised by doctors to separate, without any necessity or relationship existing between them. After a year and a half, marital relations were resumed, but the woman reluctantly consented; the actress stated: "I had to use force... to avoid being scratched."

[*Latin ed. p. 433*]

The Roman Rota 433, "that I inflicted upon him in order to defend myself." Indeed, the afflicted woman so abhorred the embrace of her husband that, in order not to be compelled again to fulfill her conjugal duty, she resorted to violent acts. Having fortunately escaped the danger of death, she agreed to live with her husband only on the condition that he abstain from intercourse with her thereafter. Finally, when the husband, devoted to games and wine, indulged in adulterous loves, a common life became impossible, and, after five years from the beginning of the marriage, they were permanently separated. Reflecting on all these lamentable misfortunes, the mother of the afflicted woman said to Peter Ferré, "that she regretted having led her to marry that man." This is confirmed by Iosepha De Miguel, who testified: "Seeing all these misfortunes, my mother exclaimed several times: 'Poor daughter! If I could destroy this marriage with my own life, which I myself so foolishly arranged, I would do so,' and she even came to ask her forgiveness." Having considered all of the above, We, the undersigned Auditors of Tournon, sitting in judgment and with only God before our eyes, invoking the name of Christ, decree, declare, and definitively sentence that the judgment of July 27, 1918, is to be confirmed; that is, to the proposed question, we respond: Affirmatively to the first part; Negatively to the second. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to carry out this our definitive judgment, and against those who resist, to proceed according to the norms of the Code of Canon Law, especially Title XVII, Book IV, employing those executive and coercive means that may prove more effective and appropriate, according to the circumstances. In Rome,



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at the seat of the Tribunal of the Holy Roman Rota, on February 15, 1919. William Sebastiani, Dean, Presiding. Maximus Massimi. Julius Grazioli. L. S. From the Chancery, on March 14, 1919. Sac. T. Tani, Notary.

[*Latin ed. p. 434*]

43 *Acta Apostolicae Sedis* – Official Commentary of the DIARY OF THE ROMAN CURIA, SACRED CONGREGATION "FOR THE EASTERN CHURCH," NOMINATIONS, October 1, 1919. By a communication from the Sacred Congregation "For the Eastern Church," His Holiness Pope Benedict XV deigned to appoint the Reverend Father Abbot, Dom Ildefonso Schuster, O.S.B., as President of the Pontifical Oriental Institute.

SECRETARY OF STATE, NOMINATIONS. By communications from the Secretary of State, the Holy Father deigned to appoint:

September 30, 1919. The Reverend Monsignor Alfonso Carinci, Apostolic Protonotary of the first class, as Participant for the Sacred Congregation of Rites.

October 10. The Most Reverend Cardinal Ludovico Billot, Protector of the Congregation of the Sisters of Sainte-Chrétienne, in Metz.

October 19. Mr. Odoardo Tabanelli, Commander of the Guardiagrele Honor Guard.

October 20. The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Congregation of the Sisters of the Most Holy Savior of the diocese of Strasburg.

October 23. The Reverend Monsignor Giovanni Mercati, Prefect of the Vatican Apostolic Library.

[*Latin ed. p. 435*]

From the Roman Curial Diary 435, with Apostolic Briefs, the Holy Father has deigned to appoint:

To the Papal Seat: October 1, 1919. Monsignor Giovanni Agostino Boneo, Bishop of Santa Fede.

Protonotary Apostolic, as if among those participating: July 16, 1919. Monsignor Enrico Gavisk, of the diocese of Indianapolis.

Domestic Prelates of His Holiness: August 24, 1919. Monsignor Francesco Rosso, of the archdiocese of Vercelli.

September 20. Monsignor Guglielmo Foley, of the archdiocese of Chicago.

September 20. Monsignor Leslie I. Kavanagh, of the archdiocese of New Orleans.

September 20. Monsignor Giuseppe M. Gleason, of the archdiocese of San Francesco de California.

September 30. Monsignor Sabino Coelho, of the archdiocese of Parahyba.



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October 1. Monsignor Giacomo Mac Caffrey, of the diocese of Clogher.

October 2. Monsignor Salvatore Marotta, of the diocese of Caserta.

October 9. Monsignor Emilio Lesue, of the diocese of Lille.

October 10. Monsignor Tommaso King, of the archdiocese of Sydney.

October 13. Monsignor Uberto Savoy, of the diocese of Lausanne and Geneva.

HONORS

With Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

From the Order of Saint Gregory the Great, civil class: October 17, 1919. To the Reverend Doctor Domenico Seghetti, of the diocese of Frascati.

October 18. To the Reverend Giacomo Rumor, of the diocese of Vicenza.

The Order of Saint Gregory the Great, military class: October 22, 1919. To the Reverend Odoardo Tabanelli, commander of the Palatine Guard of honor.

The Knighthood of the Order of Saint Gregory the Great, civil class: September 12, 1919. To the Reverend Giuseppe Achille Reguillon, of the archdiocese of Paris.

September 12. To the Reverend Enrico Rouard, of the same archdiocese.

September 12. To the Reverend Giovanni M. Luciano Huré, of the same archdiocese.

[*Latin ed. p. 436*]

Acta Apostolicae Sedis - Official Commentary 436: The Order of St. Sylvester, Pope: September 16, 1919. To the Reverend Colonel Domenico Fernandez da Silva, of the diocese of Ilhéos. BY THE ORDER OF HIS HOLINESS, the Holy Father deigned to appoint:

Secret Chamberlains in Ordinary:

September 10, 1919. Monsignor Domenico Zanette, of the diocese of Ceneda.

October 11, Monsignor Giulio Paolucci, of Rome.

October 11, Monsignor Teodoro Giovanni Antonio Bosman, of the diocese of Haarlem.

October 11, Monsignor Giorgio Enrico Francesco Stoffels, of the same diocese.

October 11, Monsignor Guglielmo Hawkswell, of the diocese of Leeds.

October 11, Monsignor Alfonso Ariens, of the archdiocese of Utrecht.

October 11, Monsignor Emanuele Martines de Moraes, of the diocese of Parahyba.

October 11, Monsignor Giovanni Milanez, of the same diocese.

October 17, Monsignor Mariano Renzo, of the archdiocese of Rossano.



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Secret Chamberlains of Sword and Cape in Ordinary:

July 7, 1919. The Reverend Baron Giovanni de Trétaigne, of the archdiocese of Paris.

July 7, 1919. The Reverend Baron Leone de Trétaigne, of the same archdiocese.

October 14, The Reverend Baron Teodoro Cramer-Klett, of the archdiocese of Munich.

October 20, The Reverend Gioacchino M. Riveiro y Gonzalez, of the archdiocese of Seville.

Honorary Chamberlain of Sword and Cape in Ordinary:

May 4, 1917. The Reverend Knight Carlo Emanuele Frank de Taberne de Miramont.

[*Latin ed. p. 437*]

Year XI - Vol. XI, No. 10, December 1919.

## ACTA AP. SEDIS COMMENTARIUM OFFICIALE

## ACTS OF POPE BENEDICT XV

ENCYCLICAL LETTER TO THE PATRIARCHS, PRIMATES, ARCHBISHOPS, ORDINARY BISHOPS, AND OTHERS WHO HAVE COMMUNION WITH THE APOSTOLIC SEE: CONCERNING THE COLLECTION TO BE TAKEN UP FOR THE CHILDREN OF MIDDLE EUROPE WHO ARE SUFFERING FROM FAMINE.

BENEDICT XV, TO THE VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION.

For a long time, We have been pondering and hoping that, extinguishing the terrible war which was stirred up, and rekindling the spirit of Christian charity, those regions of Europe, especially the middle regions, which were afflicted by famine and misery, would gradually be brought to a better condition, through the concerted effort and striving of all good men. However, events have not fulfilled Our expectation; on the contrary, news is brought from all sides that those very peoples, whom We mentioned, are suffering from such poverty and hardship that it is scarcely possible to express the extent of it.

Meanwhile, the health of the weak is being miserably wasted and destroyed, and especially that of children; and We are more deeply affected by this calamity, because these very ones are not only ignorant of and innocent of the cruel conflict in which almost the entire world was plunged in blood,



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but they are also future citizens of the world.

[*Latin ed. p. 438*]

438 Acta Apostolicae Sedis - Commentarium Officiale: Novae auctores stirpium referunt nativam germinis infirmitatem. Sed tamen ex hisce angoribus ac molestiis recreatio aliquanto summus cum nuntiatum nobis est, homines recte animatos in societates coivi vivere, eo consilio, ut pueros conservent. Egregium sanum propositum, venerabiles Fratres, ut par erat, probare atque auctoritate Nostra fulcire nondubitavimus; congruebatenim cum praecipuis benignitatis officiis illi debitis aetatula quae et Christo Redemptori carissima est et minus habet ad tolerandum et resistendum facultatis. Ceterum, in simili causa idem antea ageramus; meministis enim, Nos, haud ita pridem, pueris Belgarum, fame et egenitate paene enectis, quantum in Nobis erat, opitulatos esse, eosque catholicorum caritati publice commendasse. Quorum quidem communi largitati magnam partem debetur, si tot innocentium parvulorum necessitatibus consulere et incolumitatem vitamque ipsam tueri licuit: cum enim Archiepiscopos et Episcopos Foederatarum Americae Civitatum ad praeclarum opus hortamur, continuo optatis Nostris generosus respondit plurimorum consensus. Prosperum rei successum hodie commemoramus, non tam ut laudes omnes us homines in fastis christianae caritatis merito inscribendos, quam ut Episcopi orbis terrarum universi, voce et auctoritate Nostra impulsi, Nostrum hac in re consilium, quantum apud suos gratia valent, exsequantur atque contendunt. Adventante igitur D. N. Iesu Christi Natali die, a d miserimos pueros Europaepotissimum mediae, quos premit acrius earum indigentia rerum quae ad vitam necessariae sunt, sponte provolat cogitatio Nostra; tenerrimamque sobolem eorum maiore complectimur sollicitudine, quo expressius refert Nobis divini Infantis imaginem, propter hominum amorem in Bethlemitico specu hiemalia frigora rerumque omnium inopiam perferentis. Haec quidem occasione nulla profecto opportunior, ut Christifidelium caritatem et miserationem, atque adeo humanitatem omnium qui de salute humani generis nondesperent, pro insontibus pueris imploremus.

[*Latin ed. p. 439*]

"By the grace of God, Benedict, Pope, to Our Most Reverend Brothers, Greetings and Apostolic Benediction. And so, We command, Venerable Brothers, that, in order to achieve the purpose of which We have spoken, you diligently collect contributions from the faithful during the public supplications to be held on the eighteenth day of the coming month of December, on which day the feast of the Holy Innocents is celebrated, for the benefit of the aforementioned institutions. Furthermore, in this most noble endeavor of beneficence, greater attention should be given, besides the monetary contributions, to provisions, food, medicines, clothing, and



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textiles, which are necessities for the people of those regions, above all other forms of assistance. As for the manner in which such donations should be distributed and applied, it is scarcely necessary to say; this matter can be entrusted to the societies to which We have already indicated, or to any other suitable means. Now, having used these exhortations, by virtue of the universal paternal authority divinely granted to Us, We trust that all, even those who possess a sense of humanity, will favorably receive them, although they are primarily intended for Catholics. Moreover, as an example, and in order to alleviate the suffering of these poor children, We have decreed that, through Our resources, one hundred thousand florins be granted to the aforementioned institutions. As a sign of hope for a successful outcome, and as a testimony of Our paternal benevolence, We impart to you, Venerable Brothers, and to your entire clergy and people, Our apostolic blessing, most cordially in the Lord. Given at Rome, near the Holy Peter, on the twenty-fourth day of the month of November, in the sixth year of Our Pontificate. BENEDICT XV."

[*Latin ed. p. 440*]

440 Acta Apostolicae Sedis - Official Commentary

APOSTOLIC LETTER TO THE PATRIARCHS, PRIMATES, ARCHBISHOPS, AND BISHOPS OF THE CATHOLIC WORLD: CONCERNING THE PROPAGATION OF THE CATHOLIC FAITH THROUGHOUT THE WORLD.

**BENEDICT XV**

**VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION.**

The greatest and most holy thing that Our Lord Jesus Christ, upon His return to the Father, demanded of His disciples, when He said: "Go forth into the whole world and preach the Gospel to every creature," 1 was not meant to be the end of the Apostles' lives, but rather to be perpetuated by their successors, and to continue until the consummation of the ages, so that they might be among men, freeing those whom truth would liberate! 2

Therefore, they set out and preached the word of God everywhere, so that the sound of their voices went forth into all the earth: and their words to the ends of the earth. 3 Remembering this divine command, the Church has never ceased, even in the passing of the ages, to send forth messengers and ministers of the eternal salvation, which has been divinely entrusted to her, to all parts of the human race through Christ.

Indeed, even within the space of three centuries, while the newly born



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Church was being oppressed, persecutions arose from hell, one after another, and while all things overflowed with the blood of Christians, the voice of the heralds of the Gospel spread widely throughout the borders of the Roman Empire.

After peace and liberty were publicly granted to the Church, much greater progress was made in the apostolate throughout the world: in this regard, most illustrious and holy men have lived lives of the greatest benefit. Among these, Gregory brought Armenia to the Christian name, Victorinus brought Styria, and Frumentius brought Ethiopia; then, Hibernia...

**1 MARC, XVI, 15.**

2 Ibid., 20.

**3 Ps. XVIII, 5.**

[*Latin ed. p. 441*]

441 The acts of Pope Benedict XV mention Christ as the Father of Christians, Augustine and Columba as missionaries to the English, and Palladius to the Scots; then, illuminated by the light of the Gospel, Holland received Clemens and Willibrord, the first Bishop of Utrecht; Germany received the people through Boniface and Augsburg; and Slavonia through Cyril and Methodius, who converted them to the Catholic Faith. Subsequently, the field open to apostolic men began to expand greatly, when William of Rubruck brought the flame of faith to the Mongols, and when Blessed Gregory X sent missionaries to China: those who followed were the disciples of Francis of Assisi, who established a not insignificant church of the faithful there, which, however, was soon dispersed by a time of persecution. America, having been discovered, saw a company of apostolic men, among whom Bartholomew Las Casas, a shining light and ornament of the Dominican Order, must especially be mentioned, who undertook to protect the miserable indigenous people from unjust human domination, and to deliver them from the most cruel slavery of demons; meanwhile, Francis Xavier, who may indeed be compared to the Apostles themselves, after having wonderfully labored for the glory of Christ and the salvation of souls in the Orient and in Japan, died at the threshold of China, which he had been approaching, as if thereby opening the way for the immense preaching of the Gospel in that region, in which it was to happen that, from among the many illustrious religious Orders and missionary families, men devoted to the propagation of the Faith would strive, enduring great hardships, to pursue their apostolate. Finally, the continent that opened last, Australia, and the interior of Africa, drawn there by the boldness and constancy of recent explorers, received heralds of the Christian Faith; and almost no island, however remote in the vast Pacific Ocean, has not been reached



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by the active power of our missionaries. Among these, many have distinguished themselves, who, seeking the salvation of their brethren, have, like the Apostles, attained the pinnacle of holiness, and not a few have, enriching their apostolate with martyrdom, confirmed the Faith with their blood. Truly, all these labors expended in the propagation of the Faith, all these efforts made, all this invincible fortitude...

[*Latin ed. p. 442*]

The Acts of the Apostolic See, after careful consideration of the official documents, cause one to marvel greatly, yet it is still the case that countless souls remain in darkness and the shadow of death; indeed, according to the most recent estimates, they number in the tens of millions. Therefore, deeply lamenting this immense multitude of souls, and since, in accordance with the sanctity of our apostolic office, we have nothing more to offer than to communicate to them the benefits of divine Redemption, and seeing that, moved by the Holy Spirit of God, many are striving to promote and develop missions abroad, we view this with a willing and grateful heart. And so, in order to foster and encourage these very endeavors, and in accordance with our own duty and aspirations, we implore the Lord with fervent prayers, and send these letters to you, venerable brothers, in which we urge you and your clergy and people to consider how you can contribute to this most serious cause. First of all, our prayers are directed to those who, as bishops or as vicars apostolic, are in charge of the missions: for it is to them that the care for the propagation of the faith primarily belongs, and in them the Church places its hope for its expansion. Although we are not unaware of the zeal for the apostolate with which they are endowed, and we know well that many difficulties have been encountered, and that many distinctions have been made, especially in recent years, not only have their own presbyteries and stations suffered, but also the Kingdom of God has been expanded. Moreover, having observed their devotion and piety towards this Apostolic See, we confidently open our hearts to them as fathers. Therefore, let them consider all things, and let their missions, as it were, be like a living body. Wherefore, let them encourage their priests and other helpers of their work with good words and deeds, and add stimulus to their efforts to achieve even greater things. Let all who work in this vineyard of the Lord experience that it is necessary to be zealous.

[*Latin ed. p. 443*]

443 The acts of Pope Benedict XV do not permit a father [missionary superior] to preside over a mission unless he is vigilant, diligent, full of charity, and devoted to all things with the utmost care, who rejoices in prosperous matters, sympathizes with adversities, praises commendable efforts, and assists those who are beginning them, and who, regarding all



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his subjects, takes care of their needs as if they were his own. Indeed, as is the case with all who govern, the condition and fortune of missions vary greatly; and it can certainly happen that great harm will result if someone inept or unsuitable is placed in charge. For whoever abandons his country and loved ones, for the sake of spreading the name of Christ, undertakes a long and often dangerous journey, and is eager and prompt to endure the most difficult things, in order to gain souls for Christ. But if a diligent superior is appointed, to whom all things are subject, and who possesses prudence and charity in all matters, there is no doubt that his work will be very fruitful; but, on the other hand, it is to be feared that, gradually weary of labors and inconveniences, he may finally lose heart and give up. Furthermore, he who is in charge of a mission must first of all take care to promote and fully develop it. For, as the region within whose boundaries his mission is located extends far and wide, it is his duty to care for all who dwell within that region, and to seek the eternal salvation of all of them. Therefore, if he brings even a few thousand pagans to Christ, it will not be enough for him to rest content with this. He must also take care of, protect, and cherish those whom Jesus Christ has already brought forth, and he must not allow anyone to slip away and perish. But he must not think that he is fulfilling his office properly, unless he also strives without interruption to bring others to the truth and the Christian life, even though their number may be very large. Therefore, in order that the preaching of the Gospel may reach individuals more quickly and effectively, it is very beneficial to establish missionary stations and centers, which may serve as so many new vicariates or prefectures, into which the same mission may be divided when the opportunity arises. We give praise to the Apostolic Vicars, who...

[*Latin ed. p. 444*]

Acts of the Apostolic See - Official Commentary 444, as we have said, always prepare for the increase of the Kingdom of God: and if they do not provide domestic helpers to themselves, religious families or societies are accustomed to gladly accept them. But, on the contrary, how blameworthy would it be for someone who has been assigned a portion of the Lord's field to cultivate, to consider it as his own property, and to refuse to allow it to be touched by the hands of others? How severe would be the divine judgment, especially if, as we have often noted, a multitude of pagans surrounded Christians, and if he, not being able to instruct them sufficiently with his own ministers, would refuse to employ the help of others. But the president of the Catholic Mission, to whom nothing is more dear than the glory of God and the salvation of souls, seeks helpers for this most sacred work from all sides, whenever the need arises, and he does not hesitate to employ, for his own or for others, whatever talents they may possess, so that Christ may be proclaimed: and not only helpers, but also



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helpers, that is, religious sisters, are employed in schools, in orphanages, in hospitals, and in other charitable institutions, in which, it is known, there is an incredible power to promote faith, by the providence of God. Furthermore, a good prefect of missions does not confine himself to what happens within his own boundaries, but, when charity demands it, and for the sake of Christ, whose glory is of the greatest importance, he considers it very important to have friendship and connection with neighboring colleagues. For often there are common affairs pertaining to the same region, which, as is evident, cannot be carried out efficiently unless they are undertaken together. But, moreover, the prefects of missions, as far as possible, convene at convenient times, so that they may exchange ideas and strengthen each other with mutual conversations. Finally, it is also incumbent upon those who govern a mission to take care that the sacred ministers who are present in it are educated and instructed: as is written in Philippians, I, 18.

[*Latin ed. p. 445*]

The acts of Pope Benedict XV most eloquently demonstrate the importance of the native clergy. For a priest who is native to a land, one who is bound to his people by birth, character, sensibilities, and studies, possesses a remarkable power to instill faith in their minds: indeed, he knows better than anyone else how to persuade them and convince them of the truth. Thus, it often happens that he has easy access to them, whereas it may not be permissible for a foreign priest to even set foot there.

Now, in order for the native clergy to bear fruit, it is absolutely necessary that they be properly formed and educated. But it will not be enough to simply have an institution that prepares individuals to enter the priesthood; rather, it must be a complete and perfect institution, one that includes all the elements that are customary for priests of cultured nations. Furthermore, the native clergy must be cultivated not only to assist foreign missionaries in their more humble ministries, but also so that they themselves, through the divine grace bestowed upon them, may be able to properly govern their people. For the Church of God, the Catholic Church, is not foreign to any people or nation, and therefore it is fitting that from every people there should arise sacred ministers who are teachers of the divine law and guides to salvation for their own people.

Therefore, wherever there is a sufficient number of native clergy, and wherever their institution and vocation are pleasing to God, there the work of missions will be happily accomplished, and the Church will be established in a most excellent manner. And even if, perchance, persecution should arise in that land, there is no need to fear that it will be undermined, for, with such a foundation and such roots, it will not be vulnerable to hostile attacks. This is the true and weighty duty that the Apostolic See constantly urges upon those in charge of missions: and the zeal of this See in this matter is clearly demonstrated by the ancient and recent colleges



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of clerics from foreign nations that have been established in this city, especially those of the Eastern rite. But, after this example of the Popes, it is lamentable that there are regions where the Catholic faith has been present for many centuries, and yet there is no native clergy to be found, except those of a poorer quality; and there are also some peoples who, although they have received the Gospel, have not yet produced priests from among themselves.

[*Latin ed. p. 446*]

Acts of the Apostolic See - Official Commentary 446, illuminated, because they have emerged from barbarism to a level of humanity, excelling in all branches of the arts, and who, although affected for many centuries by the salutary power of the Gospel and the virtues of the Church, have nevertheless not yet been able to produce either bishops, by whom they are governed, nor priests, whose instruction would enlighten the citizens. Therefore, it appears to be a commendable and necessary course of action, up to this day, to educate a clergy dedicated to the missions; for the removal of this inconvenience, We command the Sacred Congregation for the Propagation of the Faith to establish, in those regions where it is appropriate, seminaries, which should be of use to several dioceses together, either for the maintenance of curés or for the proper governance of missions, and especially to be concerned about how a new clergy may grow in vicariates and other mission areas. Now We address you, most beloved sons, all of you who are devoted to the Lord's day, to whose hands has been entrusted, with Christian wisdom and zeal, the salvation of souls. - Always keep before your eyes the excellence and magnitude of the task that is entrusted to you, in which your labor consists. It is entirely divine and far removed from the limitations of human reason, that which is proposed to you: to bring light to those lying in the shadow of death and to draw those in the abyss towards the path of heaven. Therefore, understanding your individual calling from the Lord: "Forget your people, and your father's house," 1 remember that you do not owe obedience to men, but to Christ; nor to this earthly homeland, but to the homeland that is above, to add citizens. It would be truly deplorable if missionaries, forgetting their own dignity, were to think more of deterring their homeland than of the heavenly realm, and were to strive to extend its power and glory above all else. This would indeed be the most terrible plague of the apostolate, which would deprive the proclamation of the Gospel of all zeal for the salvation of souls, and would weaken the authority of the Gospel itself. For men, however barbaric they may be, are sufficiently aware... 1 Psalm 44, verse 1.

[*Latin ed. p. 447*]

The Acts of Pope Benedict XV, page 447, state: "They understand well what the Missionary desires, and with keenest perception, they discern



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if he seeks anything other than their spiritual well-being." Indeed, if he appears to serve the interests of some earthly power in any way, or to conduct himself as a mere citizen and not as an apostolic man, but rather to pursue the affairs of his own nation, then all his actions will be viewed with suspicion by the multitude; and they may easily come to the opinion that the Christian religion, which he professes, is merely a means by which he has subjected himself to the protection and dominion of a foreign state, and that he has acquired the rights of that state's citizenship.

These things are a great source of sorrow to us, when we see the commentaries on the missions, which have begun to be published in recent years, in which there appears to be more concern for expanding the territory of one's own nation than for the spread of the Kingdom of God; and we marvel that in them, no concern is shown for the salvation of the souls of the people.

The Catholic Missionary, however, acts in a different manner: he constantly remembers that he is not serving his own nation, but rather the cause of Christ, and he strives so that everyone may without any doubt recognize that his ministry to the religion, which embraces all men, and which, while inspiring them to adore God in truth, is foreign to no nation, and where there is neither Gentile nor Jew, circumcision nor uncircumcision, barbarian nor Scythian, slave nor free: but all are one in Christ. (Colossians, III, 11)

Another thing to be carefully avoided by the Missionary is that he should seek any gain other than the salvation of souls. But I need not say more about this. For who, consumed by the desire for wealth, will diligently strive to promote the divine glory alone, as is fitting, and to spread it, and to bring others to salvation, and who will be ready to sacrifice all his possessions, and even his own life? Furthermore, this would greatly diminish his authority among the unbelievers, especially if, as is often the case, his pursuit of worldly gain is tainted by the vices of avarice; and there is nothing more contemptible to men, nor more unworthy of the Kingdom of God. Therefore, the propagator of the Gospel will also diligently follow this example.

[*Latin ed. p. 448*]

Acta Apostolicae Sedis - Commentarium Officiale 448

The Apostle, to whom it is said: "Having food, and raiment, be content with these things" (1 Timothy 6:8), is an example. He, though engaged in the most arduous work, provided for his own sustenance through labor. However, a Missionary, before entering upon his apostolate, must undergo careful preparation. Some may argue that a complete knowledge of all things is not necessary for one who is to preach Christ to those most remote from human society. Nevertheless, although it cannot be disputed that the virtues of the soul are more efficacious than mere learning in the conversion of souls, yet if one is not instructed in sound doctrine, he will



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often feel that he lacks the necessary support for the fruitful exercise of his ministry. Moreover, it is not uncommon for a Missionary, through reading books and consulting with learned men, to encounter objections to the faith, and to be called upon to resolve questions, even difficult ones. To demonstrate his erudition, the more he is learned, the greater will be his reputation, especially among a people where the study of doctrine is held in high esteem; otherwise, it would be a great disgrace for the heralds of truth to be surpassed by the ministers of error. Therefore, while those who are called by the Lord to the sacred ministry are properly prepared for their apostolic missions, they must be instructed in all disciplines, both sacred and profane, that are necessary for Missionaries. This is what we desire to be accomplished, and in the schools of the Pontifical College of Urban, which we have established for the propagation of the Christian name, we command that instruction in the sciences pertaining to missions be given henceforth. Furthermore, the Missionary must possess a thorough knowledge of the language of the people to whom he will dedicate himself. He must not be content with a superficial knowledge of the language, but must be able to speak it fluently and correctly. For it is incumbent upon him, both upon the uneducated and the learned, and he knows that anyone can easily learn to speak well.

[*Latin ed. p. 449*]

The acts of Pope Benedict XV, when seeking to inspire the benevolence of the multitude, demonstrate that a diligent missionary, especially when explaining Christian doctrine to the uninstructed, should retain this province, as if it were his own, and indeed, should consider it the most important part of his ministry, since he has been sent by God for no other reason than to preach the Gospel! However, it sometimes happens that, as a herald and interpreter of the holy religion, he must stand among the foremost of the people, or be invited to speak before a gathering of learned men: and then, how can he defend his dignity if he is forbidden to express his thoughts with his own words?

Therefore, we have recently observed this very thing, when, seeking to promote the increase and spread of the Catholic name among the Orientals, we established a special residence in the city of Rome, where those who would go to preach in those regions could learn the languages and customs of the East, and be equipped with all other necessary resources. This institution, which we believe to be of great benefit, encourages us to exhort, as many as possible, of the religious orders to whom Oriental missions are entrusted, to care for their students destined for these missions, and to cultivate and refine them in those disciplines.

But, for one who undertakes the apostolic ministry, it is necessary above all else to possess one thing, namely, that which we have mentioned above, namely, a life of sanctity. For he must be a man of God who preaches of



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God; he must hate sin, for he who hates sin loves God. Especially among the infidels, who are more likely to be led by reason than by emotion, much greater progress is made by preaching by example than by words. Therefore, let the missionary be endowed with all the virtues of mind and spirit, cultivated in all doctrines, and refined in all human ways; unless this innocence of character is joined to him, he will have little or no effectiveness in the salvation of the people, and may even harm them and others. Let him, therefore, be an example of humility, obedience, chastity, and let him be especially pious, devoted to perpetual prayer, and diligently engaged in the cause of souls.

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis - Commentarium Officiorum. Quoniam quanto plus fuerit Deo coniunctior, tanto plus divinae gratiae et adiumenti impertietur. Audita autem Apostolorum sic hortantem: "Put ye on therefore, as the elect of God, holy and beloved, the bowels of mercy, benignity, humility, modesty, patience:" Col 3:12. His enim virtutibus, patens et planus in animis hominum est veritati aditus, quibus vis submotis impedimentis; neque enim ulla est adeo contumax voluntas quae eis facile obsistat. Ergo Missionarius, qui quidem ad similitudinem Iesu Domini flagrans caritate, cum vel perditissimos ethnorum numeret inter filios Dei, utpote eodem divinisanguinis pretioso redemptus, non eorum vel inhumanitate irritatur, vel morperversitate perellitur, non eos despicit aut fastidit, non acerbe atque dure tractat, verum omnibus christiana benignitatis officiis studet allicere, ut ad complexum Christi, Pastoris Boni, aliquandoperducat. In quo illud Scripturae Sanctae meditando consuevit: "O quam bonus, et suavis est, Domine, spiritus tuus in omnibus! Ideoque eos, qui exerrant, partibus corripis: et de quibus peccant, admones et alloquens, ut relicta malitia, credant in te, Domine...." Tu autem dominator virtutis cum tranquillitate iudicas, et cum magna reverentia disponis nos. Quid vero est 2 aut difficultatis aut molestiae aut discriminis, quod talem Iesu Christilegatum ab incoepto remoretur? Nihil sane: nam, gratissimus in Deum quisque tam celso muneridestinavit, omnia quae cumque inciderint adversa etaspera ad tolerandum, labores, contumelias, inopiam, famem, mortem ipsam quamvis crudelem, magnanimo animo, dum unam ex infernorum faucibus animam eripiat. Ita affectus animatusque, Christi Domini et Apostolorum exemplo, ad suum munus fungendum fidenter Missionarius aggreditur: sed omnem fiduciae suae rationem in Deo collocabit. Divinum est hoc, ut diximus, christianam sapientiam propagare, cum solius Dei sit penetrare in animos, ut et mentes splendore veritatis illustrent, et voluntates igniculis virtutum in.

[*Latin ed. p. 451*]

From the Acts of Pope Benedict XV, page 451: Let those who possess suit-



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able talents and a desire to accomplish what is truly good, add themselves to the work. For, unless the Lord is present to assist the laborer, his efforts will be in vain. Nevertheless, let no one neglect to strive vigorously for the cause, relying on the help of divine grace, which will never fail those who earnestly request it.

In this place, silence is not due to the women who, from the very beginnings of the Christian cause, have shown great zeal and devotion to the preaching of the Gospel. Therefore, let those virgins, devoted to God, who frequently engage in sacred missions, dedicated to the education of children, and to numerous institutions of piety and beneficence, be especially commended and remembered with praise. And let these words encourage them to strive all the more to merit the esteem of the Holy Church. Let them be certain that their work will be all the more useful, the more diligently they strive for their own spiritual perfection. Indeed, it is fitting for all, those who, through the great mercy of God, are faithful to the true Faith and partake of the countless benefits that flow from it, to attend to the needs of the missions. For God has commanded each one to help his neighbor; and this command is all the more urgent, the greater the need of the neighbor. But what kind of people are more in need of fraternal help than the infidels, who, ignorant of God, are bound by blind and unrestrained desires, and serve the most wretched servitude of all, under the devil? Therefore, those who have offered their help in enlightening these people, especially by assisting in the work of the missions, will have fulfilled the most important duties, and will have given thanks to God in the most acceptable manner for the benefit of the Faith.

Indeed, there are three kinds of assistance that can be offered to the missions, and which the missionaries themselves do not cease to request. First, there is what each individual can provide, namely, to be pleasing to God. (Ecclesiasticus, XVII, 12).

[*Latin ed. p. 452*]

45. Acta Apostolicae Sedis – Commentarium Officale: Eidem invocetur Deus. Saepe et rursus diximus, et non sine causa, quod labor Missionariorum, nisi divino gratiae auctore, frustra erit, ut Paulus testatur: "I have planted, Apollo watered." 1 Ad huius gratiae impetrandam via unica est, et in perseverantia humilium orationum consistit, nam Dominus dicit: "Quidquodcumque petiveritis, fiat vobis a Patre meo." 2 Hae orationes, si umquam aliae, certe in hac causa, quae nulla praestantiore, nulla Deo gratiori est, non possunt esse inefficaces. Sicut igitur, cum Israelitae cum Amalec pugnabantur, interea Moyses in summo colle divinam eis opem sublatis manibus impetrabat, ita Evangelii propagatoribus laboriose inveniendis Dominis omnes fideles Christi sanctarum precationum ope suffragari debent. Cui quidem officio rite exsequendo cum proprie instituto est Apostolatus precationis, eum hic vehementer bonorum



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universitati commendamus, optantes ut nemo se ab eius consortione abstineat, sed velint, quotquot sunt, apostolici laboris si non re, at studio esse participes. Secundo loco, Missionalium paucitatem attendendum est; quae cum antea non minima esset, summa iam facta est confecto bello, ut multae Domini agri partes cultoribus vacent. In quo vestram praecipue, venerabiles Fratres, advocatam desideramus diligentiam; vosque merito facturi estis vestro religionis amore in primis digni, si et in clero et in Seminario dioecesano apostolatus semina, quae forte sibi inesse ostenderint, studiose fovetis. Nec vos ulla species recti aut humana ratio moveat, quasi, quod exteris Missionibus permissitis, id de utilitate dioecesis vestrae detraxisse videamini. In locum unius quem dimiseritis foras, plures domi sacerdotes pariter Deum vobis suscitabit. Quia Ordines Institutionesve religiosorum praeter alias colentibus Missiones, oramus et obsecramus, ne adeo tantum opus nisi sodalium lectissimos destinent, eos scilicet qui et vitae innocentia et devotionis ardore et anima...

[*Latin ed. p. 453*]

Acta Benedicti PP. XV., 453 -, -, c: rum studia praestare videantur. Iidem autem, cum Missionarios suos cognoverint in aliquo populo a impuris superstitionibus ad Christianam sapientiam feliciter versatos esse, et ecclesiam ibi satis firme fundasse, eos, ut electos milites Christi, ad aliam gentem ex diaboli manibus eripiendam transferant, et quidquid ab illis iam quaesitum Christo sit, aliis, cultura promovendi in melius, haud invitere relinquunt. Quo pacto, opem facientes tamquam messorem animarum, uberrima quoque suis Familiis divinae bonitatis munera acquirunt. Denique opes et pecunia requiruntur ad Missiones tuendas, maxime cum earum necessitates ex bello in immensum creverint, tot scholis et nosocomis et domibus hospitalibus et gratuitis rerum distributoribus aliisque sublatis exstinctis. Hic enim vero bonos omnes appellamus, ut liberales facultatibus exsisterent. Nam qui habuerit substantiam huius mundi, et viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo, 1 quomodo caritas Dei manet in eo? Quidem Ioannes Apostolus, de illis loquens qui exsternarum necessitate premantur. At quanto est sanctius observanda caritatis lex in hac causa, cum agitur non solum ut mediae et opiae caeterisque miseris infinitae multitudines subveniatur, sed etiam, in primis, ut tam ingens animarum numerus superbo Satanae dominatu a filiorum Dei libertatem vindicetur? Quare illa praesertim quae insacrarum Missionum commodum sunt instituta, adiuvari catholicorum liberalitate cupimus. Primum est Opus quod appellatur Propagatio Fidei, pluries iam a predecessoribus Nostris laudatum; ex quo vel maior fructuum optimorum abundantia exsistat in posterum, volumus sacrum Consilium christiano nomini propagando diligentissime curare. Maxime enim ex eo copiae suppetant, oportet ut Missiones tum quae iam sunt conditae, tum quae posthac condendae erunt, sustententur: confidimus autem non



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permissurum catholicum orbem ut, cum alii a d errores diffundendos abundent affluantque opibus, nostri verum disseminantes cum inopia luctentur. Alterum, quod etiam vehementer...

1 Act I, Io., n. 17. A, vol. XI, n. 13. - 1-12-919. 31

[*Latin ed. p. 454*]

We commend to everyone the *Acta Apostolicae Sedis*, the official record, which is the work of the Holy Childhood, whose purpose is to ensure that baptism is administered to the little ones who die among the non-believers; and this is all the more commendable, because even our young people can participate in it, and thus, understanding maturely how precious faith is, they learn to offer their prayers for it and to share them with others. Nor should we overlook the work of Saint Peter, as they say, through which education and the formation of the clergy are consulted for the missions.

To these, we wish to add that it is to be diligently observed, as our blessed predecessor, Pope Leo XIII, prescribed, that on the feast of the Epiphany, branches of incense be offered in all the churches of the world "for the release of captives from Africa," and that the money collected be sent to the Sacred Congregation for the Propagation of the Faith. But that these endeavors may be more abundant and fruitful, you must, venerable brothers, direct the discipline of your clergy in a special way towards the missions. For commonly, the non-believers are inclined to help apostolic men, and you must wisely make use of this inclination of souls, so that it may be of the greatest benefit to the missions.

Know, therefore, that We desire that in all the Catholic dioceses a so-called "Missionary Association of the Clergy" be established, which shall be under the jurisdiction of the Sacred Congregation for the Propagation of the Faith, to which We have already granted all the necessary faculties; and it has already spread from Italy to other regions; and that Our desire may flourish, We have already adorned it with many pontifical indulgences. And rightly so; for in this institution, the action of the clergy is well organized, both for instilling Christian concern for the salvation of all nations, and for promoting works of every kind that are useful to the missions, which this Apostolic See has already approved.

These things, venerable brothers, we have written to you concerning the propagation of the Catholic faith throughout the world. Truly, if everyone fulfills their duty, as is fitting, we have good hope that, having been healed from the greatest wounds of war and restored, the sacred missions will quickly...

[*Latin ed. p. 455*]

The Acts of Pope Benedict XV, page 455, speak of renewal. And here, as if urging us, just as He once urged Peter, that divine voice: "Go forth into the



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deep, and let down your nets," with the fervent ardor of paternal charity, so that we may add to His flock countless souls who are now lacking. For the Church, indeed, always flourishes with the Spirit of God; and its effect cannot be lacking in the studies of so many apostolic men who have labored and are laboring to extend it. But spurred by their examples, may there suddenly arise many who, with the help of goodness, piety, and generosity, will bring to Christ a most joyous harvest of souls. May the Great Mother of God, Queen of the Apostles, grant, through our common prayers, the outpouring of the Holy Spirit upon those who proclaim the Gospel; and as a witness of our favor and benevolence, we impart to you, venerable brothers, and to your clergy and people, our apostolic blessing, with all our heart. Given in Rome, at Saint Peter's, on the twenty-ninth day of November, in the sixth year of our pontificate. BENEDICT XV. 1 Luke, V, 4.

[*Latin ed. p. 456*]

456 Acta Apostolicae Sedis - Official Commentary. APOSTOLIC LETTER: A NEW DIOCESE IS ESTABLISHED IN THE ORIENTAL REGIONS OF INDIA, THE DIOCESE OF PATNA. BENEDICT PP. XV. For the perpetual memory of the matter. — From the supreme Chair of the Prince of the Apostles, without regard to any merits, divinely placed, following in the footsteps of Our Predecessors, We strive, with Our Apostolic authority, to provide for the spiritual needs of the faithful and for the promotion of the faith and the evangelical truth. Indeed, since in the northern territory of Eastern India, despite serious obstacles and especially its vastness, the number of workers dedicated to the Gospel is insufficient, and a new diocese seems suitably able to be formed, which, with the addition of other priests, can contribute more abundantly to the growth of the faith; We, after consulting with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, in order to better promote the benefits and growth of the Catholic faith, have judged it fitting to decree the following, in the Lord. Namely, by a Motu proprio act and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by the present document, from the territories which completely comprise the current Prefecture of Bettiah and the region of Nepal, as well as the eastern part of the diocese of Allahabad, which lies south of the Ganges River, and which is part of the new civil provinces of Behar and Orissa, including the district of Behar and a portion of the district of Patna and the district of Bhagalpur, We form and establish a new diocese, which We name after the city of Patna; and We likewise decree that the episcopal residence be located in the city of Bankipur, and that the new diocese of Patna belong to the ecclesiastical province of Calcutta, as a suffragan of that Metropolitan Church, and that the care of it be entrusted to the Missionaries of the Society of Jesus. Similarly, by the present document, by the fullness of Our Apostolic power, We decree that the diocese of Allahabad,



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which until now also bore the name of Patna, shall henceforth have the single and exclusive title of Allahabad. These things We command, decreeing that the present Letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effects, and shall be able to have them, in all respects and through all, fully.

[*Latin ed. p. 457*]

Acta Benedicti PP. XV, 457, fragment; and thus, it is to be judged and defined in the foregoing matters, and it shall be rendered void and null if, concerning these things, anyone, with any authority, knowingly or unknowingly, should attempt to alter them. Notwithstanding the Apostolic Constitutions and all other things that might be contrary. Given in Rome, at Saint Peter's, under the seal of the Fisherman, on the seventh day of September, in the year 1919, in the sixth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

THE PARISIEN TEMPLE, "OF THE NATIONAL VOW," DEDICATED TO THE MOST HOLY HEART OF JESUS, IS GRANTED THE TITLE AND PRIVILEGES OF A BASILICA MINOR.

**BENEDICT XV.**

For the perpetual memory of this matter.

- In Paris, on the hill called the Hill of the Martyrs, because Saint Dionysius, the bishop of that city, along with his companions, the holy priest Rusticus, the holy deacon Eleutherius, and others, shed their blood there, under the Emperor Domitian, for Christ, a new church, built in honor of the Most Holy Heart of Jesus, and commonly called the Temple of the National Vow, attracts the admiration of those who behold it. This church was built in fulfillment of a vow made in the year 1870, when the city was besieged, by some pious faithful, for the liberation and salvation of the homeland. To bring this vow to fruition, a society was established and spread throughout France, known as the Sodalitium, commonly called the Sainte Ligue du Vœu national au Sacré Cœur de Jésus, whose members strove to appease divine wrath and avert deserved punishments through pious prayers and frequent reception of the Holy Eucharist. Our blessed predecessor, Pope Pius IX, blessed this work with Apostolic Letters addressed to the president, Leon Cornudet, on the thirty-first day of July, in the year 1872, and in the following year, 1873, he generously contributed a considerable sum of money. Subsequently, our blessed predecessors raised this pious union, which had proposed the construction of a church under the title of the Most Holy Heart of Jesus, to the rank of an Archiconfraternity, and increased it with numerous indulgences and privileges through Apostolic Letters on the twentieth day of February, the sixth day of March, the eleventh day of September, in the year 1876, and the fourth day of March, in the year 1879,



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all sealed with the Fisherman's ring. When the faithful from France, with the approval of their Roman Pontiffs, their prelates, and pious laymen,

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis - The official commentary, as we have mentioned, had responded excellently to the requests, and moreover, since it had been decreed by two laws that such a work pertained to the public good, it was decided to begin the construction of the temple, according to the design prepared by the architect Abadie in the year 1874, and approved by the administrators of the "National Vow." And in the year 1885, at the end of the nineteenth century, from the time that Our Lord Jesus Christ revealed His Sacred Heart to Blessed Margaret Alacoque, in the month of June, John Hyppolitus, Cardinal Guibert, Archbishop of Paris, in the presence of the Apostolic Nuncio to the French Republic, and many Archbishops and Bishops, with a large multitude of clergy and people, solemnly laid the foundation stone of the new building dedicated to the Most Sacred Heart of Jesus, fulfilling "the vow made by the people in the year 1870, when the war against the Germans was raging." In the meantime, while the aforementioned church was being completed, a public oratory was constructed in the same place and entrusted to the care of the Congregation of Oblates of the Immaculate Mary, who, fostering the piety of pilgrims, diligently performed sacred duties there for many years; and indeed, the faithful flocked to this chapel not only from the Parisian diocese, but also from various provinces of Gaul and from foreign regions. With the passage of time, due to the laborious work on the walls, constructed of stones from the quarries of Nantes, the building grew so slowly that it was only in 1881, on the twenty-first day of the month of April, that the same Archbishop of Paris was able to celebrate the Sacred Liturgy in the first cell of the lower church, or crypt, dedicated to Saint Martin of Tours. Then, on the nineteenth day of the month of November of the year 1886, Benedict Maria, Cardinal Langénieux, Archbishop of Rheims, in the presence of all those who had gathered for the sacred building, with the prelates and priests, and a very large crowd of people, solemnly blessed the two apses; and in the year 1890, on the thirteenth day of June, the feast of the Most Sacred Heart of Jesus was finally celebrated in the main wing of the upper building. The preceding year, in 1889, the facade of this temple had been inaugurated, a magnificent structure with a wonderful design, with reliefs and statues, which, looking towards Paris, bears the inscription: "France, penitent and devoted, to the Most Sacred Heart of Jesus Christ." The magnificent edifice of the sacred building, founded on eighty high structural columns, and with features of ancient Christian Romanesque-Byzantine art, consists of two churches superimposed upon each other. A majestic dome rises from the center of the roof; near the apses, a very tall tower rises, from which the bells of the entire region of Gaul give their concerts, a gift given by



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the clergy, nobility, and people of Savoy, under the leadership of the Archbishop of Chambéry, with the Bishops of the Province, on the occasion of the fiftieth anniversary of their blessed ordination.

[*Latin ed. p. 459*]

From the acts of Pope Benedict XV, page 459, Pope Leo XIII acted. Both churches, the upper and the lower, which are connected to each other by several staircases, excel not only in their size, and in the abundance of altars and sacred furnishings, but also in the splendor of their art; and they are adorned with the coats of arms and names of those of every nation who, inflamed with piety towards the most sacred Heart of Jesus, contributed a generous sum to the construction of this temple. In order that it might be built and completed, more than thirty million livres were spent; and this immense sum of money was collected through contributions from all parts of France, so that all the dioceses of France, as well as religious families, pious societies, the army and the navy, and people of every condition, competed with each other to contribute to the construction of this temple "as a testament to their love for the most sacred Heart of Jesus, to atone for and alleviate the sins of the French people, and to obtain the help of God and protection, so that France might be defended from enemies and the Roman Pontiff might be preserved in freedom." It is evident that popular piety has been increasingly inflamed; for even to this day, almost daily, crowds of citizens from the city of Paris, as well as from distant regions of France and the colonies, flock to the sacred building in all orders, to adore the most holy Sacrament of the Eucharist, which is exposed for public veneration day and night, and to implore its help. Although this monument, a lasting testament to the vow made by a penitent and devout France to the most sacred Heart of Jesus, has now been completed, the Archbishop of Paris and the Bishops of France have been prevented, for several reasons, especially due to the recent terrible war, from consecrating and dedicating it with solemn ceremonies! However, after the end of this immense war, this votive sanctuary will finally be solemnly consecrated on the sixteenth day of the month of October, with all the Bishops of France present. In order to signify both our piety towards the most sacred Heart of Jesus and our benevolence towards France, the firstborn daughter of the Church, we have decided to send our venerable brother, Anthony, Cardinal of the Holy Roman Church, Bishop of Porto and Santa Rufina, Prefect of the Congregation of Sacred Rites, to Paris, to represent us and to preside over this auspicious celebration in our name. Furthermore, our beloved son, Leo Adolphe, Cardinal Amette, Archbishop of Paris by apostolic dispensation, has humbly requested that we grant this sacred building the dignity, title, and privileges of a Minor Basilica, so that the splendor of this "national vow" temple may be greatly increased; and we have gladly and willingly agreed to grant these requests. Therefore, after consulting with the Most



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Reverend and Most Illustrious Cardinals, Prefects of the Congregation of Sacred Rites, by our own motion and by

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis - Official Commentary. With certain knowledge and mature deliberation, and by the fullness of Apostolic power, We declare, for the present and perpetually, that the votive church, dedicated to the Most Sacred Heart of Jesus, located on Mount Martyrs, in the archdiocese of Paris, from the day of its solemn consecration, is to be honored with the dignity and title of a Minor Basilica, with all the honors, prerogatives, privileges, and indulgences that rightfully belong to the Minor Basilicas of this esteemed city. We decree that these present letters shall always remain firm, valid, and efficacious, and shall continuously produce and obtain their full effect, and that they shall fully benefit those to whom they pertain, now and in the future; and that it shall be rightly judged and defined, and that anything to the contrary, attempted by anyone, with any authority, knowingly or unknowingly, shall be declared null and void from this moment forward. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-seventh day of September, in the year 1916, in the sixth year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

LETTERS TO THE REVEREND FATHER D. SILIUS FELS, BISHOP URBAN, PRESIDENT OF THE SUPREME SOCIETY OF GERMANY "FOR THE PROPAGATION OF THE CHRISTIAN NAME," AND TO THE VENERABLE FELIX RODULPH, GENERAL, REGARDING THE SUM OF MONEY SENT AS AID TO THE RECENTLY FOUNDED COLLEGE OF ERYTHRAEA.

Beloved sons, greetings and Apostolic blessing.

The serious difficulties in which you find yourselves have brought to Our attention the sum of money that you have sent to support the College of Erythraea, which We recently founded. This contribution, coming as it does from the members of the society under your leadership, clearly demonstrates that the people under your care are striving for the prosperity of the Holy Church and are closely united with the Roman Pontiff. We, accepting this act of piety with a grateful heart, and greatly praising it, desire that these thanks and praises of Ours be conveyed through you to all those who contributed to this sum. And may the Apostolic blessing, a witness to Our benevolence and the expectation of heavenly gifts, be with you.

[*Latin ed. p. 461*]

Acts of Pope Benedict XV, 461, beloved son, we impart with the greatest affection to all the members of this society. Given in Rome, at Saint Peter's, on the tenth day of the month of October, in the year 1919, in the sixth year



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of Our Pontificate.

BENEDICT XV, TO THE MOST REVEREND FATHER JOSEPH RUMEAU, BISHOP OF ANGERS, TO WHOM WE OFFER CONGRATULATIONS ON THE RECENTLY HELD DIOCESAN SYNOD.

Venerable brother, greetings and apostolic blessing.

We have learned with great pleasure, from your letters, together with those of the clergy, that you have been able to convene and successfully complete the Diocesan Synod, which you have long desired. And rightly do we rejoice with you; for whatever benefits the churches, We, who have care for the entire flock of Christians, are most closely concerned by; and because the new Code has been of great use to you in a most important matter, which indeed confirms the excellent opportunity afforded by Our promulgation of it. The good fruits that are expected from it give us hope, whether it be your piety towards the Vicar of Christ, or your zeal in the performance of the sacred ministry.

Therefore, you did not wish to dismiss your assembly until you had professed your agreement with Us in those matters in which We have been engaged in this war, having justly condemned the indignity of the accusations and insults that have been leveled against Us. For these merits, we give you our heartfelt thanks, and we earnestly pray to God that, with this union of hearts between the Bishop and the clergy, He may enrich each of you with His gifts, so that you may diligently, prudently, and religiously carry out those things which you have rightly and wisely determined.

As a pledge of these heavenly gifts and of Our benevolence, we impart to you, venerable brother, and to your entire clergy and people, our most affectionate apostolic blessing.

Given in Rome, at Saint Peter's, on the twenty-sixth day of the month of October, in the year 1919, in the sixth year of Our Pontificate.

**BENEDICT XV.**

[*Latin ed. p. 462*]

Acts of the Apostolic See - Official Commentary

## ACTS OF THE HOLY CONGREGATIONS

### SACRED CONGREGATION FOR THE COUNCIL

INDULGENCE REGARDING ABSTINENCE AND FASTING FOR LATIN AMERICA AND THE PHILIPPINE ISLANDS.

Several Sacred Ministers from Latin America recently earnestly petitioned the Apostolic See to kindly renew the indulgence concerning



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abstinence and fasting for January 1st, 1910, granted for Latin America and the Philippine Islands for a period of ten years.

When these petitions were presented in a general meeting on November 8th, 1919, the Most Reverend Fathers of this Sacred Congregation for the Council, considering it advisable to extend the aforementioned indulgence for Latin America and the Philippine Islands for another ten years, but, in order to be more in accordance with the prescriptions of the new Code of Canon Law on this matter, decided as follows:

1) Fasting without abstinence shall be observed: on the Saturdays of the four weeks of Advent, on the four weekdays of Lent, and on the Friday of the Greater Week;

2) Fasting and abstinence: on the fourth day of the Lenten season (Ash Wednesday) and on the Saturdays of Lent;

3) Abstinence without fasting: on the vigils of: a) the Nativity of the Lord, b) Pentecost, c) the Assumption of the Blessed Virgin Mary, d) of the Apostles Peter and Paul, or of All Saints;

4) In all other respects, the previous Indulgence shall remain in force, also firmly maintaining, with regard to abstinence and fasting, the privilege granted to the Negroes and Indians of Latin America by Pope Leo XIII in the Constitution *Trans Oceanum*, on April 18th, 1897.

This resolution, having been reported to the subsequent audience by the undersigned Secretary, was deemed worthy of approval and confirmation by His Holiness, Pope Benedict XV, and He ordered that it be made public, notwithstanding any contrary provisions.

Given in Rome, from the Secretariat of the aforementioned Sacred Congregation for the Council, on November 10th, 1919.

D. CARD. SBARRETTI, Prefect.

I. 1 Cf. Acts of the Apostolic See, vol. II, page 215, Mori, Secretary.

[*Latin ed. p. 463*]

463. The Holy Congregation of the Council II CONCERNING THE RESTORATION OF STUDIES WITHIN THE HOLY CONGREGATION OF THE COUNCIL. The Holy Father, desiring that young priests, who have completed a course in Canon Law, acquire practical experience in the ordinary and regular handling of ecclesiastical affairs, and in the particular application of Canon Law in an administrative manner, on October 28, 1919, during an audience granted to the undersigned Cardinal Prefect, deigned benignly to order the restoration of the Studies within the Holy Congregation of the Council; which is hereby effected. Admission to the Studies, according to the august will of the Holy Father, is limited to a very small number of priests, and for this purpose, it is necessary that they: 1) be particularly recommended by their Ordinary; 2) have obtained a degree, at least in Canon Law; 3) be provided with a *nihil



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obstat* from the Vicariate of Rome. Once admitted, they must attend the Studies for a period of three years, according to the regulations that will be established in a special Regulation. At the end of the three years, if they are deemed worthy, they will receive the corresponding certificate, which, if necessary, may serve as a special qualification. Rome, from the Secretariat of the Holy Congregation of the Council, November 11, 1919. D. CARD. SBARRETTI, Prefect. G. Mori, Secretary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH DECREE CONCERNING THE APPOINTMENT OF A VISITOR TO THE APOSTOLIC MISSIONS IN THE REGIONS OF CHINA AND ADJACENT KINGDOMS. Since in the vast regions of China and the adjacent kingdoms, the Catholic faith has, with God's help, experienced growth in recent times, and with greater freedom from public authority...

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis - Official Commentary: That these things may be granted to them, this Holy Council, desiring to promote the Christian name, hopes to more fully consider the needs and advantages of their missions, so that, with a discipline strengthened by the uniform observance of sacred canons and a close association established among the various missions, both in matters of spirit and of strength, the Christian cause may advance more happily. Concerning this matter, a report was made by the undersigned Cardinal Prefect of the aforementioned Congregation to His Holiness Pope Benedict XV in an audience on July 17th of the current year, 1919; and His Holiness decreed that an Apostolic Visitor should be sent to the regions of China and neighboring lands, for this purpose and with this intention, that, by order and with the authority of the Apostolic See, he may examine all the missions, carefully investigating the present state of the missions and their needs; and, after consulting with their superiors, especially concerning the future, if it can be accomplished, that he may convene all the pastors in a general assembly to discuss these matters with them; and afterwards, after completing the entire visitation, he may come to Rome to present to the Apostolic See those things which seem most opportune to him for promoting the greater growth of the Catholic religion; and that, in the meantime, if any delays should occur, provisions may be made, which he will judge to be more expedient in the Lord, and other things may be carried out, as have been demanded of the aforementioned Apostolic Visitor by the instructions given to him by the Holy Congregation itself. This office of Apostolic Visitor, the same Holiness ordered to be entrusted to the Reverend Father John Baptist de Guébriant, Apostolic Vicar of Canton, whom excellent qualities of mind and experience in affairs most highly recommend for this office; with all the necessary and appropriate faculties. Concerning this matter, the present decree was ordered to be drawn up by His Holiness, notwithstanding any contrary provisions. Given at Rome,



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from the offices of the Holy Congregation for the Propagation of the Faith, on the first of July, 1919. G. M. CARD. VAN L. g? s. ROSSUM, Prefect. C. Laurenti, Secretary.

[*Latin ed. p. 465*]

## SACRED CONGREGATION OF RITES.

MEDIOLLAN.

CONCERNING THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, FORTUNATUS REDOLFI, PRIEST, PROFESSED OF THE CONGREGATION OF CLERIC REGULAR OF SAINT PAUL, OF THE BARNABITES.

In the town of Zenano, in the diocese of Brixiensis, the first of ten children of Joseph Redolii and Angela Tonni, a family of noble lineage and standing, Fortunatus Redolii was born on November 8th of the year 1777. Immediately after his birth, due to a grave danger to his life, he was cleansed with holy water, and he scarcely recovered. In the parochial church, under proper rites and ceremonies, he received the sacrament of Baptism. A handsome boy, both in appearance and character, and of a gentle disposition, he grew up under domestic discipline, fearing the Lord, and was diligently instructed in letters and the arts by suitable masters. From an early age, he was generous to the poor and needy; and he effectively drew both his relatives and outsiders, especially his peers, into a society of good works. By the counsel of his uncle and the will of his parents, in the year 1787, he was sent to Modoetia, to a college for the education of young men, under the direction of priests who belonged to the Society of Jesus, which had already been suppressed, where he learned Latin, Greek, and the art of calligraphy. Having received the sacred chrism of Confirmation and being admitted for the first time to the Holy Eucharist, he afterwards frequently partook of the angelic Bread. The students of the college, on certain days, especially during Lent, often attended the church of the Barnabites, Saint Mary of Carróbiolo, and, moved by the sacred offices of the Greater Week, the Servant of God resolved, a plan which he had already had in mind, to dedicate himself entirely to God in the religious Congregation of Saint Paul, and he was ready to carry out this intention with a prompt spirit. However, certain obstacles arose, both from the lack of consent from his parents, and from the fear of the disturbances raging in Gallia, and the imminent invasion of Italiam by the Gauls, so that Fortunatus was forced to postpone his holy purpose to a more opportune time. Returning to his homeland, he led a life at home that was almost cloistered, avoiding worldly pleasures and conversations, and was diligent in the sacraments and in prayer. Nevertheless, as he was inclined, he devoted himself to the studies and works of graphics and



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painting, for this particular purpose, so that in the future,

[*Latin ed. p. 466*]

466 Acta Apostolicae Sedis — Using these arts, adorn the sacred buildings! And may they attract young people and adolescents to courageously profess and faithfully serve the Catholic faith and religion. In Lombardy, in the year 1799, the Cisalpine Republic, established as a model of the French Republic, and instigating war against the allied Kings, placed Fortunatus, assigned to a cohort of soldiers and nobles, in stations at Brescia, Milan, and Modica. Nevertheless, supported by the daily recitation of the Office of the Blessed Virgin Mary, frequent reception of the sacraments, and other aids of nature and grace, he is said to have given examples of an unblemished life to his fellow soldiers, even in the camps. After the allied princes' forces achieved victory, driving the French across the Alps and dissolving the Cisalpine Republic, Redolii was discharged from military service with his cohort and decided to transfer to better places without delay. Indeed, guided by the dictates of his conscience and with the consent of his parents, he sold all his possessions for the relief and benefit of the poor and, at Modica, at the Barnabite College of Santa Maria de Carrobiolo, on September 30th of the same year, 1799, he began his studies. Having successfully completed this, he received the religious habit from Father Provincial Francis Fontana, who later became the General Prefect of the Congregation of Saint Paul and Cardinal of the Holy Roman Church, and then took the simple vows of religion. In Milan, where he had gone to pursue theological studies at the College of Saint Alexander, he solemnly pronounced his vows in 1802, and in the same year and the following one, he was promoted through the grades to the minor and major Orders, and on July 14th of the year 1803, he received his first Holy Communion. Shortly afterward, at the order of his Superiors, he went to Cremona, where, endowed with a sharp mind and easy eloquence, he admirably performed the task entrusted to him of teaching the humanities in the Barnabite public schools. With his gentle and prudent discipline, both inside and outside the school, he attracted his students to a sober, just, and pious life; and thus, he won the admiration and love of both his students and the citizens of Cremona. To care for his health and strengthen his body, he first went to Modica, and then to Bologna. In this city, he taught as an excellent teacher, first at the College of Saint Aloysius, and then in the external schools of Saint Lucy, and at the same time, he performed the sacred ministry in churches and oratories to the spiritual benefit of the faithful. After barely two years had passed, out of obedience, he went to Laude, where he gave sermons to the people every Sunday. A few months later, the impious and cruel abolition of religious orders was decreed in Paris, and extended to Lombardy, which was subject to France. Then, expelled from the Laude asylum, he first returned to Modica and resumed his duties as a teacher



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at the College of Santa Mariae Angelorum, and then, invited by his uncle, who was...

[*Latin ed. p. 467*]

The Reverend Father, archpriest of the Congregation of the Missions, number 467, residing in the town of Adro, in the diocese of Brixiensis, presented himself, having come there to offer his assistance. He remained humble, poor, and austere, as before, faithfully serving his Congregation in spirit and in profession, and he recognized his uncle, the archpriest, as his legitimate superior, obeying his commands readily and continuously. From there, he undertook sacred missions in neighboring towns, and in the village of Capriolo, he served as a teacher of piety for the Sisters of Saint Ursula and their young charges. Residing in Adro, in the church of Saint Anne, which he himself restored and decorated, he founded an oratory for young people, modeled after the oratory of Saint Philip Neri. There still exists a painted panel by Redoli, depicting the saints who are patrons of the oratory, Saint Philip Neri and Saint Aloysius Gonzaga, along with select young people gathered at the altar of the Blessed Virgin Mary. This votive work was made by him himself, as a thanksgiving for the cure of his deafness, considering it a good thing for his humility and sanctification, as is evident from the inscription on the panel: "Thanksgiving for the cure." He also established a similar oratory for girls there, entrusting it to prudent and pious women. In the year 1816, when a severe famine devastated Lombardy, Father Redoli appeared as an angel of charity, urging everyone to perform acts of generosity and mercy, and to place complete trust in the most provident God. He provided assistance to the needy, procuring alms, clothing, and provisions for them. After the Treaty of Vienna in 1815, with public affairs restored to order and returned to their former state, the religious orders were also re-established, and along with others in Lombardy, the Barnabite Fathers. Fortunatus, having returned from exile and called by his confreres, went to the college of Carrobiolo, where, for five years, he taught catechism to the people and established an oratory, which six months later was moved to the suburban church of Saint Mary of Graces, for the benefit of the students of the public gymnasium and those of civil condition, who in the first year numbered more than two hundred and forty. He also founded and directed another similar oratory, under the title and patronage of the Virgin of Sorrows, until the year 1831; besides these, he established other similar foundations in various places. Finally, the Servant of God, already advanced in years, afflicted by a fatal illness, received the sacraments of the Church with great piety, and peacefully breathed his last, surrounded by his confreres and students, on April 8, 1850. A large crowd gathered publicly around the body of the Servant of God, and, for the sake of esteem and devotion, accompanied his remains to the common cemetery for burial, as a solemn funeral was celebrated. However, the fame



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of holiness that Fortunatus Redoli had acquired during his life, after his death, grew more and more clearly and increased, providing grounds for a process to be initiated concerning him, with the authority of the Ordinary, in the ecclesiastical court.

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis - Official Commentary. In Milan, the proceedings were completed. After being delivered to the Congregation for the Sacraments in Rome, and after the proper legal order was observed, and after the writings of the Servant of God were duly examined, and nothing hindered the proceeding further, the Reverend Father Januario Ricotti, General Procurator and Postulator for the Congregation of Clerics Regular of Saint Paul, the Barnabites, and after attentive letters from the Most Reverend Cardinals Andrea Ferrari, Archbishop of Milan, and Alexander Lualdi, Archbishop of Palermo, and from numerous Archbishops and Bishops, as well as Chapters of Cathedrals, parish priests, and sodalities, both religious and secular, of men and women, especially from the dioceses of Milan, Brescia, and Lodi, the Most Reverend and Reverend Cardinal Vincent Vannutelli, Bishop of Ostia and Palestrina, Promoter of this Cause, in the ordinary meetings of the Congregation for Sacred Rites, signed on the aforementioned day at the Vatican, after gathering together, proposed the following question for discussion: Should a Commission for the introduction of the Cause be appointed, in this case and for this purpose? And the Most Reverend Fathers, who preside over the Sacred Rites, after the report of the aforementioned Promoter, having heard the voice and the written opinion of the Reverend Father Angelo Mariani, General Promoter of the Faith, regarding the question discussed, and after carefully considering all things, decided to respond: Affirmative, that is, that a Commission for the introduction of the Cause should be appointed, if it pleases the Most Holy [Pope]. On November 11, 1919. Subsequently, these matters were reported to the Most Holy Lord, our Pope Benedict XV, by the undersigned Cardinal, Prefect of the Congregation for Sacred Rites, and His Holiness, having approved the response of the aforementioned Sacred Congregation, deigned to sign with his own hand the Commission for the introduction of the Cause of beatification and canonization of the Servant of God, Fortunato Redolii, a professed priest of the Congregation of Clerics Regular of Saint Paul, the Barnabites, on the 12th of the same month and year. A. CARD. VICO, Prefect of the Sacred Congregation of Portua and Saint Rufina. L. ALEXANDER VERDE, Secretary.

[*Latin ed. p. 469*]

In the Roman Sacred Congregation of the Roman Rota, concerning the boundaries of parishes or properties, under the blessed reign of Pope Benedict XV, in the fifth year of his pontificate, on the 31st of January, 1919, the



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Most Reverend Fathers, Doctors William Sebastiani, Dean, Ponens, John Prior, and Aloysius Sincero, Auditors at Tournon, rendered the following definitive judgment in the case of the boundaries of the parishes of Derthonen.

Within the Diocese of Derthonen, there exist two neighboring parishes, one named Vaccarezza, situated in a mountainous region, and the other, called Casella, located in the lower valley of the river Scrivia. A dispute arose between the pastors of these parishes concerning the jurisdiction over certain properties known as Cason di Tonno, Manzanè, Macciò, Magnano, and other smaller structures erected on both sides of the river Brevenna.

The Bishop of Derthonen, in order to resolve this dispute, issued a decree on the 14th of September, 1911, in which he assigned the aforementioned properties to the pastor of Casella. The pastor of Vaccarezza did not accept this decree and petitioned the Ordinary to have the matter definitively settled according to the order of justice. This was indeed done by the Tribunal of Derthonen, which, after a properly conducted process, rendered a judgment on the 31st of December, 1914, stating that the properties known as Cason di Tonno and those located on the left bank of the river Brevenna belonged to the pastor of Casella with respect to ownership; while those located on the right bank of the same river were subject to the same pastor, not by reason of ownership, but by reason of possession.

The appellant appealed from these decisions to the Metropolitan Tribunal of Genova, which, after a new examination of the case, on the 11th of September, 1916, confirmed the judgment of the judges of Derthonen. The pastor of Vaccarezza, though defeated, did not yield, but appealed to the Holy Sacred Auditorium; and today, for the third time, the cause is before...

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis - Commentarium Officiale: A question concerning the concordat is raised: Whether the jurisdiction over the house commonly called "Cason di Tonno," and other houses, either on the right or left bank of the torrent of Brevenna, belongs to the parish priest of Vaccarezza in this case. The relevant law states: Every parish must have its own church, its own pastor, and its own defined territory (Code of Canon Law, canon 216). Once the boundaries of a territory have been established by legitimate authority, these boundaries are not subject to prescription or change (canon 1509). It often happens that a question arises concerning the boundaries between two parishes, especially because there is often a lack of a document of ecclesiastical order that defines those boundaries. In such a case, attention must be paid to evidence, whether in a legal or historical context. This evidence must first be derived from ancient books and ancient documents, even if they do not pertain to the public archives; as in chapter 13, title XIX, of the book Decretales, the Roman Pontiff states that the question of the demarcation of two dioceses must be resolved "ac-



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cording to the divisions that are proven by ancient books or in some other way." Furthermore, witnesses should be considered, who assert based on public knowledge and reputation, or who testify based on what they have heard from their elders. Conjecture and speculation should be rejected, as they alone are not sufficient, but when combined with other arguments, they may resolve the dispute. It is also important to consider what action has been brought by the plaintiff. In this case, the plaintiff may seek to reclaim property, a house, or a piece of land, based on the argument that the property is unjustly held by another due to a confusion of boundaries; or, the plaintiff may assert that they have a right to the property, house, or land held by another, based on a claim of ownership, also due to a confusion of boundaries. In the first case, an action is brought to rectify the boundaries; in the second case, an action is brought to reclaim the property. In order to resolve any ambiguity, it should be noted that the Doctors of Civil Law call the first action a "double action" and the second action a "simple action." The main difference between the two actions is that in the first action, the magistrate is given the power to judge according to equity and good conscience, while in the second action, the principle is followed: "in pari causa melior est conditio possidentis," that is, in an equal cause, the condition of the one who possesses is better, because the one who possesses has the right of possession, while the adversary lacks it. Indeed, the one who possesses is not required to prove anything, because if the plaintiff does not prove his case, the defendant prevails, even if he has presented no evidence. Regarding the matter of Serafini, paragraph 99, number 5: "Neither does the simple action place the defendant in a purely negative position before the right formulated by the plaintiff; on the contrary, in the 'double' action, he assumes an active position by responding to the plaintiff's claim."

[*Latin ed. p. 471*]

In the Roman court, the plaintiff presents his claim with a counter-assertion of the same right, which is asserted by the defendant. In one case, the plaintiff's victory depends solely on the proof of the right asserted, just as defeat results from the insufficiency of that same proof; in the second case, on the contrary, the victory of one of the parties depends on the superiority of the evidence presented by him in comparison with that presented by the adversary: just as defeat results from the superiority of the evidence presented by the adversary over his own.

*Modo ad factum.* – The Reverend Bracesco, parish priest of Vaccarezza, in the first and second instances, principally and primarily sought to have the disputed houses awarded to him, secondarily, the determination of the boundaries. However, in the aforementioned case before the Sacred Tribunal, only the claim regarding the houses was made, as is evident from the very words of the case. Therefore, according to what we have explained



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above in law, before the arguments presented by the Reverend Bracesco to assert his right over the same houses are considered, it must be determined, among the litigants, who possesses jurisdiction over the same houses. And, to proceed more clearly, the matter must first be addressed concerning the houses of Magnano, Macciò, and others erected on the right bank of the Brevenna stream. From the records, it is certain that, from the year 1892 until the year 1910, when the dispute arose, the parish priest of Casella exercised jurisdiction over the aforementioned houses. This is testified to by all the witnesses presented by the parish priest Bracesco, who state that he himself had a confrontation with the Bishop of Tortona, because the Reverend Cortasso, who was then the parish priest of Casella, was unjustly exercising jurisdiction over the houses of Magnano and Macciò. When the Bishop told the parish priest Bracesco not to contradict the Reverend Gortasso, who was elderly, he obeyed the order of his Superior, so that even after the Reverend Gortasso was deceased, he retained the aforementioned houses as belonging to the former parish. It is true that the plaintiff, before the year 1892, blessed the houses of Materno and Macciò once or twice during the Easter season. But, since there is no evidence of any other act of jurisdiction, one or the other blessing cannot constitute an act of possession, especially considering that, as Cresta Aloysius testified, when the Reverend Gortasso learned "that the current parish priest of Vaccarezza came to bless the houses called Magnano and Macciò... he complained to the parish priest of Vaccarezza, who, until last year, no longer came to bless the houses." This is confirmed by the Reverend Angelus Nicorelli, who was the vicar of the Reverend Cortasso: "I remember," he said, "that when a dispute arose concerning the house of Macciò regarding the parochial jurisdiction between the parish priest of Vaccarezza and the deceased Archpriest of Casella, the latter gave me the order..."

[*Latin ed. p. 472*]

472, Acta Apostolicae Sedis - Commentarium Officiale: "of returning to bless said house in order to maintain the possession of jurisdiction." As for the house of Magnano, there was never any doubt that it belonged "to Casella." Therefore, it must be concluded that, at least since the year 1892, Casella has been in quasi-possession of the parochial rights over the houses on the right bank of the Brevenha stream. From this, it is clear that the Reverend Bracesco has no basis whatsoever for his claim when he writes that, in this case, a cumulative possession or a delegation was made by the parish priest of Vaccarezza to the parish priest of Casella; for both of these clearly contradict what has been stated above. Regarding the Cason di Tonno house, and other properties on the left bank of the Brevenha stream, the records leave no doubt that the parish priest of Casella exercised jurisdiction over these properties from the year 1845; that is, for more than sixty years. We have the baptismal records of the parish of Casella, in which it is



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noted that the Rossi spouses lived in the Berchi area in the year 1845, where the Cason di Tonno house is located. Then, in the year 1847, the parish priest of Casella performed the funeral rites for these spouses twice within the space of one month, administering the sacraments to them, and he recorded their deaths in the parochial records, signed by two local priests. Furthermore, the parish sodality of Casella attended the funerals, which it usually does only for its own parishioners. It should also be noted that the Rossi spouses were very poor, so that, if they had not been parishioners, the parish priest of Casella would certainly have left the funerals to the parish priest of Vaccarezza. Finally, there was no protest from the parish priest of Vaccarezza against these funerals, who could not have been unaware of them; indeed, many witnesses, allied with the same parish priest, testified that they had knowledge of the funerals that had taken place. When, in the year 1910, the Cason di Tonno house, which had been deserted for a long time, began to be inhabited again, the parish priest of Casella, Reverend Canegallo, rightly and deservedly considered the new inhabitants to be his parishioners. Against this, the parish priest of Vaccarezza only opposed the blessing that he himself had given to the same house at the time of Easter. However, what value can this single blessing have against the numerous and truly jurisdictional acts that have been presented? Therefore, it is safe to say that the Reverend Canegallo, parish priest of Casella, has exclusive and peaceful possession of the parochial rights in all the properties in dispute; which the aforementioned plaintiff himself acknowledges; although he asserts that he has dominion and jurisdiction over these properties; he says: "In this specific area, including the Càson di Tonno and the houses of Magnano and Macciò, the right of jurisdiction belongs to me, while it is exercised by the parish priest of Casella." Therefore, the arguments by which the Reverend Bracesco claims jurisdiction for himself must be examined.

[*Latin ed. p. 473*]

The first argument presented is derived from civil boundaries, which, it is said, correspond to ecclesiastical boundaries. However, this principle cannot be applied to any dispute concerning boundaries, for boundaries can be established differently in the erection of a parish and a municipality, since the relationships of people with a municipality are not the same as the relationships of people with a parish; hence, we see different parishes erected within the territory of one and the same municipality, and one parish erected within territories belonging to different municipalities. Therefore, His Eminence consistently maintained that the boundaries of temporal jurisdiction cannot be used to infer the boundaries of spiritual jurisdiction (De Luca, *De Iurisd.*, disc. I, n. 17). This argument can only constitute a conjecture, a presumption, and nothing more. Furthermore, even if this principle were accepted, the civil boundaries of Vaccarezza should not be placed, as the plaintiff desires, near the confluence of



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the Torrente Brevenna and the Fiume Scrivia; for, as the opposing side demonstrates, this is not found on the maps of the Istituto Geografico Militare, nor in the decree of the Italian Ministry of the Interior, nor in the deliberations of the Provincial Council of Ianuensis, nor of the Municipal Council of Savenione. Moreover, it is shown from a declaration of the Syndic of Casella dated May 28, 1911, that the boundaries of the parish of Casella correspond to the civil boundaries of the municipality, at least as they currently exist. The Reverend Bracesco draws a distinction from civil boundaries to natural boundaries, asserting that, considering these boundaries, the valley of the Torrente Brevenna should be assigned to the parish of Vaccarezza, while the valley of the Fiume Scrivia should be assigned to the parish of Casella. However, according to Cardinal De Luca, *De Begaiiis*, disc. CXXX, n. 20, "roads, rivers, and the like, as public and unchanging boundaries, indeed often distinguish territories and jurisdictions, but this is not a confirmation that concludes by necessity." And rightly so; for territories between parishes are generally and primarily divided by considering the distance and difficulty of access to the parochial church. In this case, there is no notable difference either in distance or in the roughness of the roads for the faithful living in the disputed houses; indeed, the houses, for example, Trucco and Manzane, are closer to the parish of Casella than to the parish of Vaccarezza. The third argument presented by the plaintiff is based on the fact that the ruins of Cerello and the property of Costi, as well as the Cason di "Tonno, and a certain chapel or shrine of the Blessed Virgin Mary, commonly called "della Guardia," located in the region of Piano di Massa, the last part on the right side of the valley of the Brevenna, undoubtedly belong to the parish of Vaccarezza. However, these and other similar arguments do not sufficiently prove that the boundaries of the parishes of Vaccarezza and Casella are not regular, which, however, does not appear from the plan that is presented, and certainly do not prove that the parish of Vaccarezza also includes the disputed houses.

[*Latin ed. p. 474*]

474 Acta Apostolicae Sedis - Commentarium, Officiale. Ultimum argumentum derivatum ex testibus. Verum est quod testibus parochi Vaccarezza contradicitur a minoris numeri testibus parochi Casella, quare ex testibus certum argumentum non habetur. Testes praeterea, alati a Sac. Bracesco, in aliquibus discordes sunt et valde contradictorii. Ra ex gr. Iosepha Battara asserit Andream Roghitto confessum fuisse limites parochiae Vaccarezza esse illos, quos actor praetendit; at Roghitto, excussus, oppositum testatus est. Item, testes diverso modo referunt colloquium habitum a parocho Vaccarezza cum eius Episcopo; quidam enim loquuntur de iurisdictionis parochialis exercitio in domibus Magnano et Mdccio, alii vero de licentia concedenda Rev. Cortasso transeundi per



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territorium parochiae Vaccarezza. Pariter sunt qui deponunt parochiam Vaccarezza, anno 1847, fuisse suo rectore viduatam, ut sic explicent actus exercitos a parocho Casella, de quibus supra egimus; dum constat, ex regestis Curiae, quodtunc temporis parochia Vaccarezza suum habebat parochum. Quidam circa funera coniugum Rossi deponunt eadem clam fuisse peracta, quod falsum est; alii loquuntur de quarta funeraria soluta a parocho Casella parocho Vaccarezza, quod pariter falsum est, cum defuncti erant pauperrimi. Haec aliaque, quae brevitatis causa omittuntur, in dubium saltem revocant vim probativam testium allatorum a Rev. Bracesco. Cum itaque nullo valido ac firmo argumento actor probaverit iurisdictionem sibi competere in domos, de quibus est quaestio, ex iis, quae in iure exposuimus, parochus Casella turbandus non est a pacifica possessione, quam obtinet, praedictarum domorum. Quin imo, cum possessio quoaddomum Cason di Tonno aliasque ad sinistram torrentis Brevenna erectas sit plus quam sexagenaria, dicendum est favore ipsius parochi inductam fuisse praescriptionem. At parochus Casella non sola innititur possessione, sed positiva affert documenta ad probandum domos controversas suae parochiae pertinere. Revera hoc concorditer deponunt fere triginta testes, ostendunt regesta parochialia, ac testatur antiquissimum documentum Sac. Dovadola anni 1562, in quo ita fines parochiae Casella describuntur: «E se « confina con granaia et bagoora più avanti, se trova un altro fosato « detto li soglij, il qual fosato parte in spirituale fra ternano parochia « d i Vaccarezza et la pieve de la casella si cala giù dal monte, e si va « à fenire nel fiume detto Caverna, di poi si vien giuso drieto a detto « fiume sin rente avosio diritto al monte di la dal fiume, e si monta « suso per la schiena sino al monte detto il carmo». Quamvis hoc documentum dici nequeat publicum, attamen, propter eius antiquitatem, maximi ponderis est.

[*Latin ed. p. 475*]

The ancient books of the churches, "because of their antiquity, prove" matters concerning the Church, and this holds true especially when dealing with "boundaries and territory" (Reiftenst., II, XXII, 14,121). Furthermore, there is a document presented by a priest, who served as a chaplain and archpriest to the church of Casella for "a period of 50 years," and who called four senior members of the parish to instruct him on the matter he wished to write, for the benefit of future pastors. Even the opposing party, the advocate, recognized the validity of this document, although he wrote several things to undermine its authority, which are ridiculous and entirely to be disregarded. Indeed, first of all, it is false to claim that the document is informal, lacking a beginning and date, for it begins: "In the year of Our Lord 1562, on the 6th of August, to Domenico de Dovadola," etc.; furthermore, it is futile to question the very existence of "Sac. de Dovadola, who was attached to the parish of Casella, as we have said, for 50 years, which



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is evident from the parochial records, which he signed up to the year 1601. It is equally futile to argue that the document was written in the Piedmontese vernacular, when the author states that it is in Latin. For first, anyone can easily recognize the Latin dialect in the writings of Father Dovadola. Secondly, even if the author claims to be writing in Latin, after ten years of residence in Casella, he could have easily learned the local language and written in it. Having considered all of these matters carefully and diligently, We, the undersigned auditors, sitting for the tribunal and with only God before our eyes, invoking the name of Christ, declare and pronounce our judgment that the jurisdiction over the disputed houses pertains not to the pastor Vaccarezza, but to the pastor of Casella, in accordance with the judgments of the first and second instances, which We confirm; that is to say, to the disputed question, We respond negatively, condemning the pastor Vaccarezza to pay all judicial expenses. Thus We pronounce, ordering the local ordinaries and the officers of the tribunals, to whom it pertains, to enforce this Our definitive judgment, and to proceed against those who resist, in accordance with the Code of Canon Law, especially Title XVII, Book IV, using the executive and coercive means that are most appropriate and effective for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, January 31, 1919. L.© From the Chancery, March 1, 1919. Rev. T. Tani, Notary. William Sebastiani, Dean. John Prior. Aloysius Sincero.

[*Latin ed. p. 476*]

Acta Apostolicae Sedis - Official Commentary 476

PONTIFICIAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF CANONICAL LAWS

## DOUBTS RESOLVED IN PLENARY MEETINGS OF ESTEEMED FATHERS

Can. <$. 1. Whether the prescriptions of the decree of the Holy General Council of November 30, 1910, entitled "Decorem domus Dei," concerning the discipline of choirs in the city, I-VIII, are still in force.

Answer: Affirmative.

Can. 10. % Whether simple, perpetual religious vows, made by those taking them before the promulgation of the Code in Religious Orders, whether of men or women, are subject to regulation concerning the manner of dispensation and concerning the effects of dispensation according to the ancient law in force before the Code.

Answer: Affirmative.

1. Consequently, the comments made in reputable journals on this or other matters, or those published incompletely or improperly, are invalid.



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Here, for greater clarity, is the question presented to the Commission, to which the doubt corresponds:

"Brother Joseph Anthony of St. John in Persicelo, General Procurator of the Order of the Friars Minor Capuchin, prostrate at the feet of Your Holiness, humbly explains as follows:

'In regular religious orders, both of men and of nuns, the simple vows, which until the feast of Pentecost in the year 1918 were solemnly conferred, were (and are) perpetual on the part of the person making the vow (S. Congr. super st. Reg., Sanctissimus, June 12, 1858, n. I; and S. G. Episc, et Regul., Perpensis, May 3, 1902, n. V); and these vows, until the day on which the Code of Canon Law began to be in force, were a) in the case of religious men in clerical orders, dispensed by the Order itself for just and reasonable causes, in the act of dispensing professors (Sanctissimus, n. III and IV; and concerning religious also of the lay military order, S. C. de Relig. Inter reliquas, January 1, 1911, n. VIII); b) in the case of nuns, dispensed by the Holy See itself, to which recourse must be made in each case according to the prescription of the decree Perpensis, n. XII.

'Furthermore, since the dispensation of such professors does not seem to be explicitly contemplated at least under title XVI, book II, of the Code, concerning Persons, the aforementioned General Procurator of the FF. Min. Capuchinorum humbly asks:

'Whether these religious, bound only by simple but perpetual vows, can henceforth be dispensed, as formerly, by virtue of the decree Sanctissimus of the S. Congregation concerning regular canons.'"

[*Latin ed. p. 477*]

Pontifical Commission for the Authentic Interpretation of Canon Law 477

3. Whether, according to canon 199, § 1, and canon 874, § 1, Parish Priests, Vicars Canon, and other priests delegated by the university for certain causes, can delegate jurisdiction to confessors, whether secular or religious, or can extend jurisdiction already granted beyond the limits of place or persons, within which it has been defined according to canon 878, § 1; or whether they require a special faculty or mandate from the local Ordinary for this purpose.

Answer: Negatively to the first part, affirmatively to the second.

4. According to canon 395, § 1, is the Bishop obliged, for daily distributions, both in Cathedrals and in Collegiate churches, to separate one-third of the fruits, even if in these churches choral distributions, although small, originate from an apostolic privilege?

Answer: Affirmatively.

5. Is the option, concerning canon 396, § c, considered prohibited, even where it is granted by a special apostolic indult?



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Answer: Affirmatively.

6. Are Canonically elected individuals exempt from altar service for their turn, notwithstanding contrary custom?

Answer: Affirmatively.

7. Are the words "those who adhere to an un-Catholic sect" in canon 542 to be understood of those who, moved by the grace of God, have come from heresy or schism in which they were born, to the Church; or rather, of those who have defected from the faith and adhered to an un-Catholic sect?

Answer: Negatively to the first part, affirmatively to the second.

8. According to canon 567, § 1, and canon 578, n. 1, do novices and professed individuals who have taken temporary vows, if they die before completing their vows, have the same right to suffrage as those who have taken solemn vows, or those who have taken simple perpetual vows, even if otherwise established by previously approved constitutions?

Answer: Affirmatively and according to the intention. "June 12, 1858, n. IV, respect. Among others, S. C. de Relig., January 1, 1911, n. VIII; or, "if it concerns Nuns, according to the decree Perpensis of the Sacred Congregation of Bishops and Regular Canonries, "May 3, 1902, n. XII, so that, upon dismissal, they are freed from all bonds of said vows and obligations; "or whether it is also permissible to observe the manner of dismissal which, under chapter I, title XVI, book II, of the Code, is prescribed for Religious who have taken temporary vows; "and, to the extent that this is affirmed for the second part, is a Religious (regular or monastic), dismissed in this manner, to be considered, by the very fact of the dismissal, released from all religious vows, as is stated concerning those dismissed who have taken temporary vows in canon 648?"

[*Latin ed. p. 478*]

Acts of the Apostolic See - Official Commentary 478. The month is: Religious orders and congregations may, with appropriate and equal consideration, prescribe in their constitutions, which are to be amended and presented for approval to the Sacred Congregation for Religious, regarding all novices, those temporarily professed, and those solemnly professed, or those perpetually professed with simple vows, in accordance with the decree of the aforementioned Sacred Congregation of June 26, 1918, number 9. Whether the words "unless the constitutions state otherwise" in canon 569, § T, are to be understood broadly, so that it is permissible for the constitutions to determine the purpose for which the use and enjoyment of goods shall be established for novices. Answer: The constitutions approved before the promulgation of the Code are to be observed, whether they deprive novices of the right to dispose of the use and enjoyment of their goods, or whether they limit this right, or whether they establish specific provisions.



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10. Whether canon 621, § 1, is to be understood only with regard to religious who are mendicants in the strict sense; or whether it also applies to those who are called mendicants in a broader sense, such as the Brothers of the Order of Preachers. And, to the extent that the first part is affirmative: Do said mendicants require the permission of the Ordinary if they wish to solicit alms in the diocese for the edification, ornamentation, etc., of their churches? Answer: Affirmative with regard to the first part, negative with regard to the second part; and with regard to the permission to be obtained from the Ordinary, provision is made in the aforementioned canon 621, § 1. 11. Whether those who, contrary to the prescription of canon 756, were baptized by a minister of a different rite, belong to the rite in which they were baptized, or to the rite in which, according to the prescription of canon 756, they ought to have been baptized. Answer: According to the case presented, negative with regard to the first part, affirmative with regard to the second. 12. Whether the faculty of celebrating Mass in a private house is to be interpreted restrictively by the Ordinary, according to canon 822, § 4. Answer: Affirmative. 13. According to canon 987, is the following person to be considered as impeded: one whose father or mother is only a non-Catholic, while the other parent is Catholic? And, to the extent that the first part is affirmative, does this also apply in the case where a mixed marriage has been contracted with dispensation in this impediment, with the given precautions? Answer: Affirmative in all cases. 14. Whether the burial of the faithful, which takes place in a place within the church, is to be considered as having been performed in the church in the sense of canon 1205, § 2. Answer: Affirmative, if it is a matter of a subterranean church, which is truly and properly a church, dedicated to divine worship.

[*Latin ed. p. 479*]

Pontifical Commission for the Authentic Interpretation of Canon Law 479

15. Whether the danger of scandal, commonly called displeasure, on the part of the faithful, according to Canon 1215, and of the clergy, constitutes a grave reason, according to Canon 1215, which excuses from the transfer of the bodies of the faithful from the place where they are found to the church where the funeral is to be celebrated.

Answer: No, and the custom of not transferring the bodies of the faithful, before they are buried, from the place where they are found to the church, is to be condemned.

16. Whether, in the collation of parish benefices, the Ordinary can impose a moderate tax for a single occasion in favor of a Seminary, even if the parish is subject to paying this tax to the Institute.

Answer: It is necessary to refer in each case to the competent Sacred Congregations, canons 1355, 1356.



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17. Whether the Ordinary, omitting the legal formalities in the Apostolic Constitution *Dei miseratione* concerning Canon 1990, can declare a marriage null, even with the intervention of a defensor vinculi matrimonialis, and whether a second sentence is required in these cases, namely:

1) If two Catholics, in a certain place previously subject to the decree of the Council of Trent, or after the decree *Ne temere*, entered into a civil marriage only, omitting the ecclesiastical rite, and, having obtained a civil divorce, intend to enter into a new marriage in the Church, or to validate a new marriage, civilly entered, before the Church.

2) Or if a Catholic party, who, with a non-Catholic, in defiance of the laws of the Church, contracted marriage in a temple of the Protestant sect (in a certain place previously subject to the decree of the Council of Trent, and where the Benedictine declaration is not extended, or after the decree *Ne temere*), having obtained a civil divorce, wishes to enter into a new marriage with a Catholic spouse before the Church.

3) Or if apostates from the Catholic faith, who have joined themselves civilly or by a foreign rite, having obtained a civil divorce, repent and wish to return to the Church and celebrate a new marriage with a Catholic party in the Church.

Answer: The cases mentioned above do not require a judicial process or the intervention of a defensor vinculi matrimonialis, but are to be resolved by the Ordinary himself, or by the Parish Priest, in consultation with the Ordinary, after a preliminary investigation regarding the celebration of the marriage, as mentioned in Canon 1019 and following.

Rome, October 16, 1919.

PETRUS Cardinal GASPARRI, President.

Aloisius Sincero, Secretary.

[*Latin ed. p. 480*]

The Acts of the Apostolic See – Official Commentary – Furthermore, the following doubt was submitted to the Pontifical Commission for the Interpretation of the Code of Canon Law: Can it be considered safe for conscience, according to the teaching of certain authors, that the publication of the Code is permitted on days of abstinence from meat more than once a day? The Reverend President of the Commission responded on October 29, 1919: No. PIETRO Cardinal GASPARRI, President. Luigi Sincero, Secretary. In the plenary session of December 9, 1917, the Eminent Fathers, after considering the following doubt: Whether doubts of lesser importance or those which do not present much difficulty can be resolved by the Reverend President of the Commission, responded: Affirmative.

[*Latin ed. p. 481*]

Diarium Romanae Curiae 481



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## DIARIUM ROMANAE CURIAE

### SACRA CONGREGAZIONE DEI RITI

Martedì 4 novembre 1919, nel Palazzo Apostolico Vaticano si è tenuta la Congregazione dei Sacri Riti Preparatoria, nella quale, con l'intervento degli Eminenti e Reverendissimi Signori Cardinali e col voto dei Reverendissimi Prelati e dei Consultori teologi componenti la medesima, si è discusso il dubbio sopra l'eroismo delle virtù della Venerabile, Serva di Dio Maria Michela del Ssmo Sacramento, Fondatrice della Congregazione delle Ancelle del Ssmo Sacramento e della Carità.

Martedì 11 novembre 1919, nel Palazzo Apostolico Vaticano, si è tenuta la Congregazione Ordinaria dei Sacri Riti, nella quale, al giudizio degli Eminenti e Reverendissimi Signori Cardinali componenti la medesima, sono state sottoposte le seguenti materie:

1) introduzione della Causa di Beatificazione e Canonizzazione del Servo di Dio Fortunato Redolii, Sacerdote professo della Congregazione dei Chierici Regolari di S. Paolo, detti Barnabiti;

2) intorno alla revisione degli scritti della Serva di Dio Giuseppa Du Bourg, fondatrice della Congregazione delle Suore dette del Divino Salvatore e della Ssma Vergine;

3) intorno alla concessione ed approvazione dell'Officio proprio con la Messa e dell'elogio da inserire nel Martirologio dell'Ordine in onore del Beato Isnardo da Chiampo, Sacerdote professo dell'Ordine dei Predicatori;

4) e parimenti intorno alla concessione ed approvazione dell'Officio proprio con la Messa e dell'elogio da inserire nel Martirologio dell'Ordine in onore del Beato Giovanni Pelingotto del Terz'Ordine di S. Francesco.

Martedì 25 novembre 1919, presso l'Eminente e Reverendissimo Signor Cardinale Gennaro Granito Pignatelli di Belmonte, Ponente della Causa di Beatificazione e Canonizzazione del Venerabile Francesco da Camporosso, Laico professo dei Minori Cappuccini, si è tenuta la Congregazione dei Sacri Riti, Antipreparatoria, nella quale, dai Reverendissimi Prelati Officiali e dai Consultori teologi della medesima, si è discusso il dubbio sopra l'eroismo delle virtù, esercitate dallo stesso Venerabile Servo di Dio.

[*Latin ed. p. 482*]

Acts of the Apostolic See - Official Commentary, 4th Series.

### SECRETARY OF STATE.

By means of letters from the Secretary of State, the Holy Father has deigned to appoint:

November 15, 1919. The Reverend Father Giovanni Lottini, of the Order



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of Preachers, as Commissary of the Most Holy Congregation of the Holy Office.

November 18, 1919. Mr. Giovanni Guasco, a member of the College of Advocates of the Holy Consistory.

November 20, 1919. His Eminence Cardinal Oreste Giorgi, as Protector of the Congregation of the Oblates of the Virgin Mary.

November 27, 1919. Monsignor Benedetto Aloisi Masella, as Apostolic Nuncio to Chile.

November 27, 1919. Monsignor Ermenegildo Pellegrinetti, as Auditor of the second class, assigning him to serve at the Apostolic Nunciature in Poland.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistants to the Pontifical Throne:

October 25, 1919. Monsignor Francesco d'Aquino Correa, titular Bishop of Prusiade and President of the State of Matto Grosso in Brazil.

November 17, 1919. Monsignor Andrea Karlin, titular Bishop of Temiscira.

Domestic Prelates of His Holiness:

August 2, 1919. Monsignor Ignazio Seipel, of the archdiocese of Vienne.

November 5, 1919. Monsignor Giovanni Peiffer, of the diocese of Luxembourg.

November 18, 1919. Monsignor Ignazio Malandrucco, of the diocese of Alatri.

November 18, 1919. Monsignor Guglielmo Hume, of the archdiocese of New Orleans.

November 18, 1919. Monsignor Francesco Müller, of the Apostolic Vicariate of Saxony.

HONORS.

By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, with plaque:

November 12, 1919. To Mr. Maurizio Margot, of the archdiocese of Paris.

[*Latin ed. p. 483*]

Diarium Romanae Curiae 483: The Order of St. Gregory the Great, military class: October 25, 1919. To Mr. Captain Anthony Thomas d'Aquino Correa, General Director of Post Offices in the State of Matto Crosso in Brazil. The Order of St. Gregory the Great, civil class: July 22, 1919. To Mr. Gerard Goemaere, of the diocese of Namur. November 4th: To Mr. Giuseppe Casini, of Rome. November 4th: To Mr. Giacomo Salvatori, of Rome. November 6th: To Mr. Albert Fleskens, of the diocese of Bois-le-Duc.



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November 12th: To Mr. Augusto Florio, of Rome. November 13th: To Mr. Enrico Leman-Denoyelle, of the diocese of Tournay. The Knighthood of the Order of St. Gregory the Great, civil class: August 4th, October 7th, 1919. To Mr. Eugenio Delchambre, of the diocese of Namur. October 20th: To Mr. Giorgio Adolfo Strieder, of the apostolic vicariate of Saxony. October 20th: To Mr. Professor Aurelio Mariani, of the diocese of Velletri. October 20th: To Mr. Fortunato Mongini, of the same diocese. November 4th: To Mr. Augusto Schumacher, of the diocese of Luxembourg. November 4th: To Mr. Giuseppe Amici, of Rome. November 4th: To Mr. Desiderato Pesnel, of the diocese of Coutances. November 4th: To Mr. Filippo M. Leone Oberlin, of the same diocese. November 4th: To Mr. Count Luigi de Kergorlay, of the same diocese. November 8th: To Mr. Giovanni Carrol Griffin, of the archdiocese of Westminster. November 12th: To Mr. Maurizio Chardard, of the archdiocese of Paris. November 18th: To Mr. Giovanni Verhejien de Roosendal, of the archdiocese of Breda. November 18th: To Mr. Michele Krings, of the diocese of Treves. The Order of St. Sylvester the Pope: October 20th, November 28th, 1919. To Mr. Ludovico Mader, of the archdiocese of Munich. November 20th: To Mr. Saturnino J. Unzué, of the archdiocese of Buenos Aires. November 20th: To Mr. Filippo Cancani Montani, of Rome. The Knighthood of the Order of St. Sylvester the Pope: November 16th, 1919: To Mr. Filippo Mattoni, of Rome.

[*Latin ed. p. 484*]

Acts of the Apostolic See – Official Commentary, by Order of His Holiness, concerning Extraordinary Secret Chamberlains of His Holiness: November 10, 1919. Monsignor Anisio Ayres Estéves, of the diocese of Barra.

November 12, 13, 14, 19, 21.

Monsignor Francesco Ricci, of the diocese of Velletri.

Monsignor Francesco Severiano de Figueredo, of the archdiocese of Parahyba.

Monsignor Gregorio Magni, of the diocese of Velletri.

Monsignor Tommaso Onnelli, of the diocese of Velletri.

Monsignor Francesco Bracci, of the diocese of Civitaeastellana.

Monsignor Felice Conti, of the same diocese.

Monsignor Marcello Mimmi, of the archdiocese of Bologna.

Monsignor Giovanni Battista Imperiali, of the diocese of Sabina.

Extraordinary Secret Chamberlains of Swords and Mantles of His Holiness: November 6, 1919.

Mr. Walter Raleigh Kerr, of the archdiocese of Quebec.

November 19.

Mr. Viscount Carlo Enrico du Laurent, of the archdiocese of Rennes.



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November 21.

Mr. Count Isidoro Colonna Czosnowski, of Rome.

Mr. Emanuele Lopez de Ayala y del Hierro, of the diocese of Madrid.

Honorary Chamberlains in Peacock Blue of His Holiness: October 14, 1919.

Monsignor Antonino Prato, of the diocese of Piazza Armerina.

November 11.

Monsignor Paolo Tuching, of the archdiocese of KolÃn.

November 21.

Monsignor Massimino Milani, of the diocese of Sabina.

Monsignor Alfredo Ferri, of the same diocese.

Honorary Chamberlain of Swords and Mantles, Extraordinary, of His Holiness: November 13, 1919.

Mr. Giorgio di Garmona, of the archdiocese of Mexico.

Honorary Chaplains beyond the City of His Holiness: November 10, 1919.

Monsignor Leone Greco, of the diocese of Lech.

Monsignor Gioacchino Sansonetti, of the same diocese.

NECROLOGY: November 1, 1919.

The Most Reverend Cardinal Felice De Hartmann, Archbishop of KolÃn.

November 14.

Monsignor Pietro Giuseppe Geay, titular Bishop of Samo.

November 24.

Monsignor Paolo Gastone Laperrine d'Hautpoul, titular Bishop of Carisio.

[*Latin ed. p. 485*]

Year XI - Volume XI, No. 14, December 19, 1919.

## ACTA APOTOLICAE SEDIS: OFFICIAL COMMENTARY.

## ACTS OF POPE BENEDICT XV.

## SACRED CONGREGATION.

On December 15, 1919, a secret Congregation was held in the Apostolic Palace at the Vatican, the Acts of which are reported as follows:

### I. - CREATION AND PUBLICATION OF SACRED COLLEGE CARDINALS.



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Most Holy Father Benedict XV, in an address given at the Sacred Congregation, publicly announced the creation and reservation in the Sacred College, within the Sacred Congregation on December 4, 1916, of the Reverend ADOLPH BERTRAM, Archbishop of Breslau.

He then created and publicly announced the following Reverend Cardinals: PHILIPP CAMASSEI, Patriarch of Jerusalem; AUGUSTUS SILJ, titular Archbishop of Caesarea, Substitute of the Holy Roman Church; IOANNES SOLDEVILA Y ROMERO, Archbishop of THEODOR VALFRÈ DI BONZO, Caesaraugusta; titular Archbishop of Trapezus, Apostolic Nuncio in Austria; ALEXANDER KAKOWSKI, Archbishop of Warsaw; EDMUND DALBOR, Archbishop of Gnesen and Posen.

[*Latin ed. p. 486*]

Acts of the Apostolic See - Official Commentary 486 II. - PROVISIONS CONCERNING CHURCHES. In the same Consistory, Our Most Holy Lord provided for the following churches, namely: He appointed the Reverend Father Francis as Archbishop of the Ferrara archdiocese, and the Reverend Father Rossi as Bishop of Comacchio (-Pomposa), who had previously been Archbishop of Calaritanum. He appointed the Reverend Father Gisien as titular metropolitan of the Bardinensis church, who had previously been Bishop of Aquaependens. He appointed the Reverend Father Sebastian Leite de Vasconcellos as titular archbishop of the Tamiathensis church, who had previously been Bishop of Beiensem. He appointed the Reverend Father Benedict Masella as titular archbishop of the Caesariensis church, Apostolic Nuncio to the Republic of Chile. He appointed the Reverend Father Peter Aloisi-Pisani as titular archbishop of the Constantiensis church, Apostolic Delegate in the Orient. He appointed the Reverend Father Alban Goodier, of the Society of Jesus, as metropolitan of the Bombayensis church. He appointed the Reverend Father Andrea Karlin as titular bishop of the Themiscyraean church, who had previously been Bishop of Tergestinum and Justinopolitanum. He appointed the Reverend Father Angel Bartolomasi as titular bishop of the Tergestine and Justinopolitan cathedrals, who had previously been titular bishop of Derbsa. He appointed the Reverend Father Pasi as titular bishop of the Maceratensis and Tolentina cathedrals, who had previously been titular bishop of Philadelphia. He appointed the Reverend Father Dominic Dominic Scopelletti as titular bishop of the Besainensis church, who had previously been Bishop of Oppido. He appointed the Reverend Father Prosper Bernardi as titular bishop of the Paltensis church, Prelate of Acrensem and Puruensem. He appointed the Reverend Father Paschal Mores as canon penitentiary of the Nuscan cathedral, in the cathedral of the Lucerne diocese. He appointed the Reverend Father Anthony Galati as archpriest in the Oppidensis cathedral, in the place commonly called



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Vallelunga, of the Miletensis diocese.

[*Latin ed. p. 487*]

487. "Furthermore, the Most Blessed Father also publicly appointed other individuals, who had previously resigned through Apostolic Letters bearing the lead seal, as Sacred Ministers, namely: ARCHBISHOPS: of Mocissa, Adulphus Fritzen, who was already the Bishop of Strasbourg; of Attatis, Willibrordum Benzler, who was already the Bishop of Metz; of Fogaras and Alba Iulia, Basilium Suciu; of Theatine, Nicolaum Monterisi, who was already the Bishop of Monopoli. BISHOPS: of Portugal, Antonium Barrosa Leâo, who was already the Bishop of Algarve; of Cusara, Romualdum Argentoratensem, Ialbrzyhowski; Carolum Ruch; of Metz, Ioannem Baptistam Pelt; of Verae Crucis, Raphaelem Guizar Valencia; of Tepic, Emmanuelem Azpeitia Palomar; of Madaurus, Ignatium Le Ruzic, who was already the Bishop of Les Cayes; of Paraetonium, Ernestum Tonizza; of Polemonium, Iosephum Dardand; of Catenna, Raimundum Calvo; of Orthosia, Hyppolitum Olivelli. II I. - EMI P P. CARDINALS, ADORNED WITH THE RED GALAERO. On December 18, 1919, a public Consistory was held in the Apostolic Palace at the Vatican, in which Our Holy Father adorned certain Fathers with the purple and the red galero, first, the Cardinal created on December 4, 1916, namely: Emmanuel Adulphus Bertram; then, the Cardinals created on December 15, 1919, namely: Emmanuel Philippus, Emmanuel Augustus Silj, Camassei."

[*Latin ed. p. 488*]

Acts of the Apostolic See - Official Commentary 488. His Eminence THEODOR VALFRÈ DI BONZO, His Eminence ALEXANDER KAKOWSKI, His Eminence EDMUND DALBOR. I. APPOINTMENTS OF ECCLESIASTICAL LEADERS. On the same day, in a secret Consistory, the Most Blessed Father provided for the following churches, namely: To the cathedral church of Arles, he appointed the Reverend Father Emmanuel Mignone, formerly Bishop of Volterra. To the cathedral church of Jaén, he appointed the Reverend Father Emmanuel Jiménez, formerly Bishop of Lugo. To the titular episcopal church of Thapsus, he appointed the Reverend Father Arthur Alvarez, formerly Bishop of Zul. To the cathedral church of Lugo, he appointed the Reverend Father Placid Angel Rey-Lemos, formerly titular Bishop of Hamatha. To the titular episcopal church of Tlousina, he appointed the Reverend Father Francis Uranga y Saenz, formerly Bishop of Sinaloa, to serve as an auxiliary to the Most Reverend Archbishop of Guadalajara. To the cathedral church of Nancy (-Toul), he appointed the Reverend Father Hippolytus, honorary general vicar of Molins. To the cathedral church of Saint Germain, he appointed the Reverend Father Joseph Romuald Léonard, canon and parish priest of Mont-Joli in the same diocese. To the cathedral church of Caratinga, he



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appointed the Reverend Father Charles Fernand da Silva Tavora, parish priest and honorary vicar forane of Saint Joseph in Além Parahyba, in the archdiocese of Mariana. To the titular episcopal church of Sozus, he appointed the Reverend Father Alphonsus Belloso, canon and theologian of the metropolitan church of Saint Savior in America. To the titular episcopal church of Flavia, he appointed the Reverend Father John Murray, to serve as an auxiliary to the Bishop of Hartford. To the titular episcopal church of Temnit, he appointed the Reverend Father Michael De Andrea, parish priest of the church of Saint Michael in the city of Buenos Aires. To the titular episcopal church of Hamatha, he appointed the Reverend Father Valentine Cornelias y Santamaria, to serve as administrator of the diocese of Solsona.

[*Latin ed. p. 489*]

489 The Acts of Pope Benedict XV. Furthermore, the Most Blessed Father also publicly appointed other individuals, who had previously resigned through Apostolic Letters bearing the seal, as Sacred Ministers, namely: ARCHBISHOPS: Sardica, Paul de Huyn, formerly Archbishop of Prague. Prague, Franciscus Kordác. BISHOPS: Bolivarense, Carolus Mariam de la Torre, formerly Bishop of Loja. Maximianopolitanum, Vaciensem, Gulielmus Stephanus Ehithymnensis, O' Hare. Hanauer, Antonius Antunes. Catacense, Ioannes Fiorentini, formerly Bishop of Tricarico. Pentacomia, Ceslaus Sckolowski. ABBOTS: B. M. V. Maris Stella, Cassianus Haid. Ssmae Trinitatis Cavensis, Placidus III. - TITLES: Em. Nicolini. To the Most Reverend Cardinals, the following were assigned: Em. Bertram, the title of S. Agnes extra moenia; Em. Gamassei, the title of S. Maria in Aracoeli; Em. Silj, the title of S. Cecilia; Em. Valpro di Bonzo, the title of S. Maria supra Minervam; Em. Kakowski, the title of S. Augustine; Em. Dalbor, the title of S. Ioannes ante Portam Latinam. IV. – THE REQUEST AND GRANTING OF THE SACRED PALLIUM. Finally, the Most Blessed Father granted the sacred Pallium to the following churches: Melburnensi (by cession), Theatinae (by succession), Ferrariensi (by privilege), Bombayensi (by privilege), Pragensi (by privilege), Arretinae (by privilege). Montis Begalis (from Fogarasiensi, by succession), Vaciensi (from

[*Latin ed. p. 490*]

Acts of the Apostolic See – Commentary. Official. 490. DIARY OF THE ROMAN CURIA. SECRETARY OF STATE. HOLY CONGREGATIONS ASSIGNED TO THE NEW CARDINALS. With tickets from the Secretary of State, the Holy Father has deigned to assign the following Holy Congregations to the new Eminences and Reverends Cardinals, who, in the public Consistory of December 18, 1919, received the cardinal's hat: To the Eminent Cardinal Adolfo Bertram, the Holy Congregations: of the Sacraments, of the Council, of the Ceremonial, and of the Reverend Fabric of St. Peter's.



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To the Eminent Cardinal Filippo Camassei, the Holy Congregations: of the Sacraments, of Propaganda Fide, of Seminaries and Universities, and for the Eastern Church. To the Eminent Cardinal Augusto Silj, the Holy Congregations: of the Council, of Religious Orders, of Seminaries and Universities, and of the Reverend Fabric of St. Peter's. To the Eminent Cardinal Teodoro Valfrè Di Bonzo, the Holy Congregations: of the Council, of Religious Orders, of Extraordinary Ecclesiastical Affairs, and for the Eastern Church. To the Eminent Cardinal Alessandro Kakowski, the Holy Congregations: of the Sacraments, of Propaganda Fide, of Seminaries and Universities, and of the Reverend Fabric of St. Peter's. To the Eminent Cardinal Edmondo Dalbor, the Holy Congregations: of the Council, of Rites, of the Ceremonial, and of Seminaries and Universities.

[*Latin ed. p. 491*]

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INDEX OF DOCUMENTS ARRANGED IN CHRONOLOGICAL ORDER. YEAR, MONTH, PAGE, DAY. I. - ACTS OF BENEDICT XV. I. - LETTERS. 1919, January 14, November. ENCYCLICAL. In this great matter. - To His Eminence, Most Reverend Cardinal Hartmann, Archbishop of Coloniensem, and to the other Archbishops and Bishops of Germaniae, concerning Saint Boniface, Apostle of Germaniae, and concerning his perfect and constant union with the Apostolic See, during the twelfth century from the beginning of his glorious Apostolic Legation among the people of Germaniae. For a long time, paternally. - To the Patriarchs, Primates, Archbishops, Bishops, and other Ordinary authorities of places who maintain peace and communion with the Apostolic See: concerning the collection of funds for children of Central Europe suffering from famine. 209, 437, II. - APOSTOLIC LETTER. 30. The greatest thing. - To the Patriarchs, Primates, Archbishops, and Bishops of the entire Catholic world: concerning the propagation of the Catholic faith throughout the world. 440, III. - APOSTOLIC CONSTITUTIONS. February 13, May 16. To the faithful Catholics. - The erection of a new diocese of the Greek rite, called "Lungrensis." By legitimate letters. - Of Saint Sebastian, on the River Ianuarius. Concerning the erection of a distinguished collegiate church. . . . 337, I, V. - APOSTOLIC LETTERS. 1918, December 10. It was explained. - The Abbey of Arianensis, of the Order of Saint Benedict, in Bavaria, is restored as an abbey of its own right, entrusted to the execution of the Abbot Primate of the Order of Saint Benedict. . . . 33.

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**ANNO MENSE DIE**

1918 December 19

1919 January, March, April, June, July, August, September.

Existing: In Tortosa. – To be granted perpetually, a plenary indulgence



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as often as it can be gained on the feast day of the Royal Society, from the belt of Our Lady to the cathedral church of Tortosa.

Locami, within the boundaries of Fismes. – The church of the Blessed Virgin Mary of the Rock, in the Lugano diocese, is honored with the title and privileges of a minor basilica.

Existing in the city. – The church of Saint Ursula and her companions, Virgins and Martyrs, in the city of Buenos Aires, is adorned with the title of a minor basilica.

Illustrious. – To the canonically erected Association of Our Lady of Health in Paris, indulgences and spiritual privileges are granted.

Illustrious. – The church of the Blessed Virgin Mary of Good Help in Rouen is adorned with the title and privileges of a minor basilica, for the glory of the Catholic name.

Concerning the Catholic world. – The Apostolic Vicariate of the Belgian Congo, being divided, two vicariates are constituted from it, one with the title "Leopoldopolitan," the other "New Antwerp."

Concerning the affairs of the sacred rites. – The metropolitan church of Saint James the Greater in the city of Marianopolis is honored with the title and privileges of a minor basilica.

Concerning the sacred rites. – The metropolitan churches of Gorcy and Zacynthus, and Cefalù are united.

Concerning the sacred rites. – The metropolitan churches of Naxos, Tinos, and Mykonos are united.

Illustrious Benedictine family. – The church of Saint Justina, located in Padua, is restored as a Benedictine abbey.

For a long time. – To the Bishops of Germany: now that peace is finally established, opportune admonitions are given, by which, through the work of the Catholic Church, the damages of the war may be repaired as soon as possible.

Illustrious among sacred buildings. – The cathedral church of Tortosa, dedicated to the Blessed Virgin Mary, assumed into Heaven, is honored with the title and dignity of a minor basilica.

Of the Roman Pontiffs. – The sanctuary of Saint Ubald, Bishop, is adorned with the title of a minor basilica, and other privileges are granted to it.

Following in the footsteps of the Roman Pontiffs. – The church of the Blessed Virgin Mary of the Snows, in the town of Cuglieri, in the Bosana diocese, is honored with the title and privileges of a minor basilica.

In the highest degree. – A new diocese, Patnensis, is established in the



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eastern part of India.

[*Latin ed. p. 495*]

495. Chronologically ordered. YEAR MONTH DAY 1919 September 27, Paris. – The Parisian church "of the National Vow," dedicated to the Most Sacred Heart of Jesus, is granted the title and privileges of a minor basilica. V. – LETTERS. 1918 December 26; 1919 January 1; 6; 20; 27 February 5; 14 March 11; 12; 20; 21. Regarding the image of your [person]. – To Joseph S.R.E. Cardinal Prisco, Archbishop of Naples, and other Ordinaries of Campania, expressing gratitude for the common and most obedient letters received on the occasion of the upcoming annual meeting. Among the excellent [letters]. – To the Most Reverend Fathers and Doctors, the Archbishop of Linan and other Bishops in the Peruvian region, concerning the preservation and strengthening of piety and faith in their dioceses. – To the Most Reverend Father Arthur Hinsley, Pontifical Chamberlain, Director of the English College, restored to the College at the close of the century... As the year [draws to a close]. – To the Most Reverend Father Francis Xavier, Bishop of Tarbes and Lourdes, concerning the sacred solemnities to be celebrated in memory of the apparition of the Blessed Virgin Mary Immaculate... At the close of the second [year]. – To the Most Reverend Father Himerius a Iesu, General Prefect of the Brothers of the Christian Schools, concerning the second centenary following the death of Saint John Baptist de la Salle, their legal Father. A most distinguished [occasion]. – To the Most Reverend Father Thomas Pègues, of the Order of Preachers, who had published the *Summa Theologica* of Saint Thomas, explained in French in the manner of a Catechism. A marvelous [work]. – To the Most Reverend Father Reginald Garrigou-Lagrange, of the Order of Preachers, concerning the apologetic treatise *De revelatione* recently published by him. – To all Catholic Bishops and other Ordinaries throughout the world, concerning the support of the Catholic missions in the Holy Land. Indeed, many [requests]. – To John S.R.E. Cardinal Csernoch, Archbishop of Gran, concerning the present condition of religious affairs in Hungary. Which are very important. – To the Most Reverend Fathers and Doctors, Charles Gregory Mary Grasso, Archbishop of Salerno; Herculanum Marini, Archbishop of Amalfi; and other Bishops who gathered at Pompeii for the Marian celebration: expressing gratitude for the reverent services rendered and commending their diligence and foresight. It is perfectly clear. – To the Most Reverend Father Bernard, Archbishop of Bogota, and other Archbishops.

[*Latin ed. p. 496*]

496 IN THE YEAR 1919, APRIL: In Columbiae, he congratulates them on the holding of their Marian council.

- To the Reverend Father Joseph M. Roberti, General Corrector of the



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Order of the Minims, at the end of the fourth century since the canonization of Saint Francis of Paula. . . 10 Letters.

- To James S.R.E. Cardinal Gibbons, Archbishop of Baltimore, William S.R.E. Cardinal O'Connell, Archbishop of Boston, and other Archbishops and Bishops of the United States of America: concerning the meetings of bishops and the dedication of the sacred edifice of the Immaculate Virgin in Washington. Indeed.

- To the Reverend Father Doctor Angel Marquina y Corrales, Bishop of the Canary Islands: he congratulates him on the upcoming diocesan synod. 30 As for you.

- To the Reverend Father John Benlloch y Vivó, Archbishop of Burgos: concerning the college being fostered in Burgos for the use of foreign missions. . . Among the most outstanding men.

- To the Reverend Father Venantius a Lisle-en-Rigault, Minister General of the Order of the Capuchin Minims, at the end of the third century since the blessed death of Saint Lawrence of Brindisi. . . . Not exactly.

- To the religious women, the Mother Superior and the Sisters of the Dominican Order of Ireland: your letter commemorates and rejoices in the second century since the founding of your family in Dublin.

- To the Reverend Father Maximilian Kassiepe, of the Missionaries of the Immaculate Mary, on the twenty-fifth year since the founding of the pious Marian association for the support of missions. . . . . 24 Joyful sadness.

- To the Reverend Father Leopold Duarte Silva, Archbishop of Saint Paul, praising the works of his charity and his episcopal office. We rejoice with you.

- To the Reverend Father Paul Reynaud, titular Bishop of Fussalanum, Apostolic Vicar of the Eastern Czech region: he rejoices that he has completed thirty-five years of episcopacy and forty years of apostolic ministry. . . . . In these difficult times.

- To the Reverend Father John Praschl, canon of Budweis, director of the Marian Congregation "of the Queen of Apostles": he congratulates him on the outstanding merits of the same association in the service of religion. 17 It is pleasing to us.

- To the Reverend Father Maur Parodi, Abbot General of the Olivetan Congregation, on the 60th anniversary of the founding of the religious family. . . . . Among the joys.

- To the Reverend Father James Ogier, director of the association "Pro Pontifice et Ecclesia": 22 May, June, PAGE 265 169

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In chronological order, the following are recorded: YEAR 1919, MONTHS June, July, August, September, October. On the day concerning the offered Peterian stipend, thanks are given and congratulations are



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expressed for the increased pious union, always.

To Anthony, Reverend Father, Cardinal Alendes Bello, Patriarch of Lisbon, and to the other Archbishops and Bishops of Lusitania: concerning the commencement of a method for restoring the affairs of that Church. Pontifical.

To Reverend Father Andrew Fernandez, of the Society of Jesus, President of the Pontifical Biblical Institute of the City, concerning the opening of a house which will be an addition to that Institute, in Jerusalem. Although...

To Reverend Father Paul Ladeuze, Rector, and also to the esteemed doctors of the University of Leuven: concerning the restoration of this very institution to its former state. 20. During the course of the year.

To Reverend Father Augustine Garagnani, S.J., concerning the establishment of an "Institute of Philosophical and Religious Culture" at the Gregorian University. 15. Among the Marian.

To Reverend Father Martin Jerome Izard, Archbishop of Bourges, on the occasion of the fiftieth anniversary of the image of Our Lady, to which a golden crown has been placed in the basilica of Eichstätt by Saint Joseph. From the beginning.

To Reverend Father Patrick Joseph O'Connor, Bishop of Armidale, for the purpose of offering congratulations on the cathedral temple which has been erected from its foundations and is about to be consecrated. Excellent piety.

To all the Bishops of Switzerland, who had gathered in Sion. 11. Concerning Hungary.

To John, Reverend Father, Cardinal Csernoch, Archbishop of Gran, concerning the affairs of Hungary. 12. Greatly affecting our minds.

To Reverend Father Bernard Iándi, O.S.B., Prior of the Archabbey of Saint Martin in Saint Mount, Pannonia, for the purpose of offering congratulations. Suspended and occupied.

To Reverend Father Remigium Békefi, of the Order of Cistercians, Abbot of Zircz, letters of congratulations. 14. Very gratefully received.

To Felix, Reverend Cardinal de Hartmann, and to the other Bishops who had gathered in Fulda, with a willing heart.

To Reverend Father Michael, Archbishop of Munich and Freising, and to the other Bishops of Bavaria, to whom a common letter, sent from the Freising group, is addressed. That singular love.

To Leo Adolphus, Reverend Cardinal Ammette, Archbishop of Paris, concerning the solemn consecration of the Basilica of the Most Sacred Heart of Jesus at Montmartre.

[*Latin ed. p. 498*]

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Summaries, in which. - To the Reverend Father Dominic Felic Rodulph, pastor of Fels, the urban archpriest, general president of the German Society "for the propagation of the Christian name," who had sent a contribution to the newly founded Erythrean college. Diocesan synod. - To the Reverend Father Joseph Rumeau, Bishop of Angers, concerning the diocesan 460 461 •y i' 33i VI. - ADDRESSES. » March 10 Before the Order. - Address of His Holiness Pope Benedict XV, given in the Consistory on March 10, 1919. To us indeed. - Address of His Holiness Pope Benedict XV, March VII. - SERMON. To my most beloved sons. - To the parish priests and to the quadragesimal [priests]. Î j i i1. I iii < II. - ACTS OF THE SACRED CONGREGATIONS - L - SUPREME SACRED CONGREGATION OF THE HOLY OFFICE. 1918 December 14 Decree by which certain works are prohibited. . . 5 19»19 February 10 Decree concerning the participation of Catholics in the society "for promoting Christian unity." . .. •. . 72 July 4 309 » » 18 317 II. - SACRED CONGREGATION CONSISTORIAL. 1918 » » November December » 1919 January » » » » » February » » 22 .6 Declaration concerning the decree "Redeuntibus." . . . . 21 7 30 Decree concerning clerics in certain regions of SECOVIA and SALZBURG. Concerning the dismemberment and around the decree "Redeuntibus." . . . . 20 Declaration 43 and CRATO. Concerning the commutation of boundaries. 24 FORTALEZA or KALISCH and KIELCE. Concerning the dismemberment and aggregation. . . . . 119 Decree concerning the celebrations of Councils and appeals in regions of Italy 72 f? j f 4' ib *• I s] 's J

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of the Servant of God Innocentius a Bertio, a professed priest of the Order of the Friars Minor of the Holy Francis of Assisi, Capuchin.

[*Latin ed. p. 501*]

In chronological order: YEAR MONTH 1919 January PAGE DAY February March. 14 April 9 17 May 14 16 ACTA, vol. X, n. 14. 501 ANDEGAVEN. Decree concerning the introduction of the cause of beatification or declaration of martyrdom of the Servant of God, Natalis Pinot, parish priest of the village of "Louroux-Béconnais." URBIS ET ORBIS. Concerning the solemn votive Mass for the Holy Sacrament, or for peace, to be omitted in the Forty Hours prayer, on the day of commemoration of all the faithful departed. VICARIATUS APOSTOLICI GABONEN. Concerning blessings and sacramentals for catechumens. Doubt regarding the name of the Bishop to be expressed in the canon of the Mass in ROMANA. Decree of beatification and canonization of the Venerable Servant of God, Anna Maria Taigi, married woman, of the Third Order of the Most Holy Trinity for the redemption of captives. PARISIEN. Decree of beatification and canonization of the Venerable Servant of God, Ludovica de Marillac, widow of Le Gras, foundress of the Society of the Daughters of Charity. BRIXIEN. Decree of beatification of the Servant of God, Ludovici Pavoni, priest and founder of the Congregation of the Sons of Mary Immaculate. SPOLETANA. Decree confirming the cult rendered from time immemorial to the Servant of God, Father Ugolino a Gualdo Captaneorum, of the Order of the Eremites of St. Augustine, now called Blessed. PAPIEN. Decree confirming the cult rendered from time immemorial to the Servant of God, Isnardo de Chiampo, professed priest of the Order of the Preachers, now called Blessed or Saint. CLAROMONTEN. SEU NOVAE CALEDONIA E. Decree of beatification or declaration of martyrdom of the Servant of God, Blasii Marmoiton, lay member professed in the Society of Mary, who, as is said, was killed out of hatred of the faith. AURELIANEN. Canonization of the Blessed Joan of Arc, virgin, a maiden of Aurelianensis. Prefaces to be inserted in the Roman Missal. MARIANOPOLITANA. Concerning the Mass and Communion during the exposition of the Holy Sacrament. BERGOMEN. Decree of beatification and canonization of the Servant of God, Paula Elisabeth, in the world Constantiae Cerioli, widow Buzecchi-Tassis, foundress and first general superior of the Institute of the Sisters of the Holy Family. Decree concerning the occurrence of two responsories with two responsories of the Apostles and Evangelists or Martyrs during the Paschal season. 19-12-1919. 34.

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